

*State of Iowa*

# **Iowa**

# **Administrative**

# **Code**

# **Supplement**

Biweekly  
March 4, 2015



**STEPHANIE A. HOFF**  
ADMINISTRATIVE CODE EDITOR

---

Published by the  
STATE OF IOWA  
UNDER AUTHORITY OF IOWA CODE SECTION 17A.6

The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code section 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

# INSTRUCTIONS

## FOR UPDATING THE

## IOWA ADMINISTRATIVE CODE

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

### **Credit Union Division[189]**

Replace Analysis

Replace Reserved Chapter 16 with Chapter 16

### **Utilities Division[199]**

Replace Analysis

Replace Chapter 1

Replace Chapter 39

### **Human Services Department[441]**

Replace Analysis

Replace Chapters 51 and 52

Replace Chapter 110

Replace Chapter 170

Replace Chapter 187

### **Regents Board[681]**

Replace Chapter 1

### **Labor Services Division[875]**

Replace Analysis

Replace Chapters 72 and 73



**CREDIT UNION DIVISION[189]**

Credit Union Department[295] renamed Credit Union Division[189] under the Department of Commerce by 1986 Iowa Acts, Senate File 2175, section 751, effective July 1, 1986. See IAB 9/10/86.

**CHAPTER 1****DESCRIPTION OF ORGANIZATION**

- 1.1(533) Definitions
- 1.2(17A,533) Scope and application
- 1.3(17A,533) Credit union division
- 1.4(17A,533) Forms and instructions

**CHAPTER 2****ORGANIZATION, CHARTERING AND FIELD OF MEMBERSHIP  
OF A CREDIT UNION**

- 2.1(533) Definitions
- 2.2(533) Purpose
- 2.3(533) Chartering process
- 2.4(533) Organization procedure
- 2.5(533) Field of membership and common bond
- 2.6(533) Application for charter
- 2.7(533) Chartering standards
- 2.8(533) Incorporation
- 2.9(533) Commencement of business
- 2.10(533) Use of credit union name
- 2.11(533) Employee groups
- 2.12(533) Approval or denial
- 2.13(533) Appeal

**CHAPTER 3****CONVERSION OF AN IOWA-CHARTERED CREDIT UNION  
TO ANOTHER CHARTER TYPE**

- 3.1(533) Definitions
- 3.2(533) Authority to convert
- 3.3(533) Board of directors and membership approval
- 3.4(533) Notice to members and voting procedures
- 3.5(533) Notice to the superintendent
- 3.6(533) Certification of vote on conversion proposal
- 3.7(533) Superintendent oversight of methods and procedures of membership vote
- 3.8(533) Other regulatory oversight of methods and procedures of membership vote
- 3.9(533) Completion of conversion
- 3.10(533) Limit on compensation of officials

**CHAPTER 4****PROCEDURE FOR ADOPTION OF RULES**

- 4.1(17A) Applicability
- 4.2(17A) Advice on possible rules before notice of proposed rule adoption
- 4.3(17A) Public rule-making docket
- 4.4(17A) Notice of proposed rule making
- 4.5(17A) Public participation
- 4.6(17A) Regulatory analysis
- 4.7(17A,25B) Fiscal impact statement
- 4.8(17A) Time and manner of rule adoption

4.9(17A)	Variance between adopted rule and rule proposed in Notice of Intended Action
4.10(17A)	Exemptions from public rule-making procedures
4.11(17A)	Concise statement of reasons
4.12(17A)	Contents, style, and form of rule
4.13(17A)	Agency rule-making record
4.14(17A)	Filing of rules
4.15(17A)	Effectiveness of rules prior to publication
4.16(17A)	General statements of policy
4.17(17A)	Review of rules by division

## CHAPTER 5 DEBT CANCELLATION PRODUCTS

5.1(533)	Authority and purpose
5.2(533)	Definitions
5.3(533)	Debt cancellation products
5.4(533)	Prohibited practices
5.5(533)	Refunds of fees in the event of termination or prepayment of the covered loan
5.6(533)	Method of payment of fees
5.7(533)	Disclosures
5.8(533)	Affirmative election to purchase and acknowledgment of receipt of disclosure
5.9(533)	Short-form disclosure
5.10(533)	Long-form disclosure
5.11(533)	Safe and sound practices
5.12(533)	Exception for Guarantee Automobile Protection or Guarantee Asset Protection (GAP) and other debt cancellation products offered by credit unions through unaffiliated, nonexclusive agents

## CHAPTER 6 BRANCH OFFICES

6.1(533)	Establishment of branch offices
6.2(533)	Change of location of branch office

## CHAPTER 7 LOW-INCOME DESIGNATED CREDIT UNION

7.1(533)	Authority
7.2(533)	Definitions
7.3(533)	Low-income designation documentation
7.4(533)	Nonmember deposits
7.5(533)	Removal of low-income designation
7.6(533)	Receipt of secondary capital

## CHAPTER 8 ACCOUNTS

8.1(533)	Definitions
8.2(533)	Insurance required
8.3(533)	Authorized accounts
8.4(533)	Ownership accounts
8.5(533)	Trust accounts
8.6(533)	Executor accounts
8.7(533)	Corporate accounts
8.8(533)	IRA and Keogh accounts
8.9(533)	Deferred compensation accounts

CHAPTER 9  
REAL ESTATE LENDING

- 9.1(533) Real estate lending
- 9.2(533) Evidence of title

CHAPTER 10  
CORPORATE CENTRAL CREDIT UNION

- 10.1(533) Corporate central credit union powers

CHAPTER 11  
INSOLVENCY

- 11.1(533) Definition of insolvency
- 11.2(533) Factors considered
- 11.3(533) First year of operation

CHAPTER 12  
VOTES OF THE MEMBERSHIP

- 12.1(533) Voting requirements and eligibility
- 12.2(533) Nomination procedures for the board of directors
- 12.3(533) Election procedures for the board of directors
- 12.4(533) Vote to amend bylaws or articles of incorporation
- 12.5(533) Vote to modify, amend, or reverse an act of the board of directors or to instruct the board to take action
- 12.6(533) Vote on merger
- 12.7(533) Vote on voluntary dissolution
- 12.8(533) Vote to remove or reinstate an officer, director, or member of the auditing committee
- 12.9(533) Preservation of ballots
- 12.10(533) Reporting the results of the vote to the membership
- 12.11(533) Vote on sale of assets by corporate central credit union
- 12.12(533) Vote on conversion of an Iowa-chartered credit union to another charter type

CHAPTER 13  
POWERS OF SUPERINTENDENT IN CONTROL OF CREDIT UNION

- 13.1(533) Powers of superintendent or special deputy superintendent
- 13.2(533) Surrender of control

CHAPTER 14  
EXAMINATION REVIEWS AND INVESTIGATIONS

- 14.1(533) Definitions
- 14.2(533) Application of rules
- 14.3(533) Examination reviews
- 14.4(533) Preliminary informal investigations
- 14.5(533) Nonpublic proceedings and transcripts of examination reviews or informal preliminary investigatory proceedings
- 14.6(533) Formal investigations
- 14.7(533) Action following an examination, examination review or an informal or formal investigation
- 14.8(533) Voluntary submission of information
- 14.9(533) Effect of disposition and settlement on criminal proceedings

CHAPTER 15  
FOREIGN CREDIT UNION BRANCH OFFICES

- 15.1(17A) Definitions
- 15.2(533) Application of foreign credit union
- 15.3(533) Exhibits
- 15.4 Reserved
- 15.5(533) Annual reporting requirements
- 15.6(533) Fees
- 15.7(533) Certificate of approval
- 15.8(533) Change of location of a branch office

CHAPTER 16  
MERGERS

- 16.1(533) Spin-offs
- 16.2(533) Plan requirements
- 16.3(533) Additional requirements

CHAPTER 17  
INVESTMENT AND DEPOSIT ACTIVITIES FOR CREDIT UNIONS

- 17.1(533) Authority and purpose
- 17.2(533) Definitions
- 17.3(533) Investment policies
- 17.4(533) Record keeping and documentation requirements
- 17.5(533) Discretionary control over investments and investment advisers
- 17.6(533) Credit analysis
- 17.7(533) Notice of noncompliant investments
- 17.8(533) Broker-dealers
- 17.9(533) Safekeeping of investments
- 17.10(533) Monitoring nonsecurity investments
- 17.11(533) Valuing securities
- 17.12(533) Monitoring securities
- 17.13(533) Permissible investment activities
- 17.14(533) Permissible investments
- 17.15(533) Prohibited investment activities
- 17.16(533) Prohibited investments
- 17.17(533) Conflicts of interest
- 17.18 Reserved
- 17.19(533) Investment pilot program
- 17.20(533) Responsibility placed upon the credit union to show cause

CHAPTER 18  
MAINTENANCE OF ALLOWANCE FOR LOAN AND LEASE LOSSES ACCOUNT

- 18.1(533) Definitions
- 18.2(533) Legal reserve required
- 18.3(533) Generally accepted accounting principles
- 18.4(533) Allowance for loan and lease losses
- 18.5(533) Allowance for loan and lease losses computation
- 18.6(533) Accounting treatment

CHAPTER 19  
Reserved



CHAPTER 20  
PETITIONS FOR RULE MAKING

20.1(17A)	Petition for rule making
20.2(17A)	Briefs
20.3(17A)	Inquiries
20.4(17A)	Division consideration

CHAPTER 21  
DECLARATORY ORDERS

21.1(17A)	Petition for declaratory order
21.2(17A)	Notice of petition
21.3(17A)	Intervention
21.4(17A)	Briefs
21.5(17A)	Inquiries
21.6(17A)	Service and filing of petitions and other papers
21.7(17A)	Consideration
21.8(17A)	Action on petition
21.9(17A)	Refusal to issue order
21.10(17A)	Contents of declaratory order—effective date
21.11(17A)	Copies of orders
21.12(17A)	Effect of a declaratory order

CHAPTER 22  
CONTESTED CASES

22.1(17A)	Scope and applicability
22.2(17A)	Definitions
22.3(17A)	Time requirements
22.4(17A)	Requests for contested case proceeding
22.5(17A)	Notice of hearing
22.6(17A)	Presiding officer
22.7(17A)	Waiver of procedures
22.8(17A)	Telephone proceedings
22.9(17A)	Disqualification
22.10(17A)	Consolidation—severance
22.11(17A)	Pleadings
22.12(17A)	Service and filing of pleadings and other papers
22.13(17A)	Discovery
22.14(17A)	Subpoenas
22.15(17A)	Motions
22.16(17A)	Prehearing conference
22.17(17A)	Continuances
22.18(17A)	Withdrawals
22.19(17A)	Intervention
22.20(17A)	Hearing procedures
22.21(17A)	Evidence
22.22(17A)	Default
22.23(17A)	Ex parte communication
22.24(17A)	Recording costs
22.25(17A)	Interlocutory appeals
22.26(17A)	Final decision
22.27(17A)	Appeals and review
22.28(17A)	Applications for rehearing

- 22.29(17A) Stays of division actions
- 22.30(17A) No factual dispute contested cases
- 22.31(17A) Emergency adjudicative proceedings

#### CHAPTER 23

##### UNIFORM WAIVER AND VARIANCE RULES

- 23.1(17A,ExecOrd11) Scope of chapter
- 23.2(17A,ExecOrd11) Superintendent discretion
- 23.3(17A,ExecOrd11) Requester's responsibilities in filing a waiver or variance petition
- 23.4(17A,ExecOrd11) Notice
- 23.5(17A,ExecOrd11) Superintendent's responsibilities regarding petition for waiver or variance
- 23.6(17A,ExecOrd11) Public availability
- 23.7(17A,ExecOrd11) Voiding or cancellation
- 23.8(17A,ExecOrd11) Violations
- 23.9(17A,ExecOrd11) Defense
- 23.10(17A,ExecOrd11) Appeals
- 23.11(17A,ExecOrd11) Summary reports

#### CHAPTER 24

##### ELECTRONIC TRANSFER OF FUNDS

- 24.1(527) Scope
- 24.2(527) Terms defined
- 24.3(527) Applications to operate a central routing unit
- 24.4(527) Compliance examinations of a central routing unit
- 24.5(527) Applications to establish a satellite terminal
- 24.6(527) Customer instruction in the use of a satellite terminal

#### CHAPTER 25

##### PUBLIC RECORDS AND FAIR INFORMATION PRACTICES

(Uniform Rules)

- 25.1(17A,22) Definitions
- 25.3(17A,22) Requests for access to records
- 25.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 25.9(17A,22) Disclosure without the consent of the subject
- 25.10(17A,22) Routine use
- 25.11(17A,22) Consensual disclosure of confidential records
- 25.12(17A,22) Release to subject
- 25.13(17A,22) Availability of records
- 25.14(17A,22) Personally identifiable information
- 25.15(17A,22) Other groups of records routinely available for public inspection

## CHAPTER 16 MERGERS

**189—16.1(533) Spin-offs.** A spin-off occurs during a merger process when, by agreement of the parties to the merger, a portion of the field of membership, assets, liabilities, shares, and capital of one credit union is transferred to another credit union. A spin-off of a well-defined segment or branch of a credit union's membership to another credit union is an option undertaken to benefit the members of both credit unions. This process may occur with the physical transfer of one or more branches from one credit union to another credit union, but less than a complete merger of the two credit unions occurs. A spin-off is unique in that one credit union has a field of membership expansion and the other loses a portion of its field of membership.

[ARC 1896C, IAB 3/4/15, effective 4/8/15]

**189—16.2(533) Plan requirements.** All credit unions proposing a merger plan that would result in a spin-off must file, in addition to other merger documents detailed by the division, a plan that addresses the following points, at a minimum, in support for their spin-off plan:

**16.2(1)** Why the spin-off is being requested.

**16.2(2)** What part of the field of membership is to be spun off.

**16.2(3)** Which assets, liabilities, shares, and capital are to be transferred.

**16.2(4)** The financial impact of the spin-off on the affected credit unions.

**16.2(5)** The ability of the acquiring credit union effectively to serve the new members.

**16.2(6)** The proposed spin-off date.

**16.2(7)** Disclosure to the members of the requirements set forth in this rule.

[ARC 1896C, IAB 3/4/15, effective 4/8/15]

**189—16.3(533) Additional requirements.** In addition to the plan, the credit unions must include the most current monthly financial statements from both credit unions and a copy of the proposed voting ballot.

**16.3(1)** Membership notice and voting requirements shall be the same as for regular mergers under rule 189—12.6(533), with certain exceptions. Only those members directly affected by a spin-off, that is, those members whose shares are to be transferred to the other credit union, are permitted to vote. A quorum is determined according to the quorum size for the credit union as a whole. In the notice of balloting sent to the members affiliated with any affected branch and field of membership, the credit union shall give notice of the right of any member who wants to remain as a member of the credit union to opt out of participating in the merger vote by giving written notice to the credit union at any time prior to the merger vote. The shares of members who opt out will not be transferred in the event the merger vote is successful. All other members of the group to be spun off, whether they voted in favor, against, or not at all, will be transferred if the spin-off is approved by the voting membership.

**16.3(2)** Members of the credit union who are not affiliated with the branch and field of membership being spun off and whose shares are not being transferred will not be afforded the opportunity to vote.

**16.3(3)** Spin-offs involving federally insured credit unions in different regions of the National Credit Union Administration must be approved by all regional directors where the credit unions are headquartered and by state regulators, as applicable.

[ARC 1896C, IAB 3/4/15, effective 4/8/15]

These rules are intended to implement Iowa Code section 533.401.

[Filed ARC 1896C (Notice ARC 1816C, IAB 1/7/15), IAB 3/4/15, effective 4/8/15]



**UTILITIES DIVISION[199]**

Former Commerce Commission[250] renamed Utilities Division[199]  
under the “umbrella” of Commerce Department[181] by 1986 Iowa Acts, Senate File 2175, section 740.

**CHAPTER 1  
ORGANIZATION AND OPERATION**

- 1.1(17A,474) Purpose
- 1.2(17A,474) Scope of rules
- 1.3(17A,474,476,78GA,HF2206) Waivers
- 1.4(17A,474) Duties of the board
- 1.5(17A,474) Organization
- 1.6(68B) Consent for the sale or lease of goods and services
- 1.7 Reserved
- 1.8(17A,474) Matters applicable to all proceedings
- 1.9(22) Public information and inspection of records

**CHAPTER 2  
FORMS**

- 2.1(17A,474) Forms—general
- 2.2(17A,474) Specific forms
- 2.3 Reserved
- 2.4(17A,474) Forms

**CHAPTER 3  
RULE MAKING**

- 3.1(17A,474) Purpose and scope
- 3.2(17A,474) Notice of inquiry
- 3.3(17A,474) Petition for adoption of rules
- 3.4(17A,474) Commencement of proceedings
- 3.5(17A,474) Written statements of position
- 3.6(17A,474) Counterstatements of position
- 3.7(17A,474) Requests for oral presentation
- 3.8(17A,474) Rule-making oral presentation
- 3.9(17A,474) Rule-making decisions
- 3.10(17A,474) Regulatory analysis
- 3.11(17A,474) Review of rules

**CHAPTER 4  
DECLARATORY ORDERS**

- 4.1(17A) Petition for declaratory order
- 4.2(17A) Notice of petition
- 4.3(17A) Intervention
- 4.4(17A) Briefs
- 4.5(17A) Inquiries
- 4.6(17A) Service and filing of petitions and other papers
- 4.7(17A) Agency consideration
- 4.8(17A) Action on petition
- 4.9(17A) Refusal to issue order
- 4.10(17A) Contents of declaratory order—effective date
- 4.11(17A) Copies of orders
- 4.12(17A) Effect of a declaratory order

CHAPTER 5  
PROCEDURE FOR DETERMINING THE COMPETITIVENESS  
OF A COMMUNICATIONS SERVICE OR FACILITY

- 5.1(476) Purpose
- 5.2(476) Petition
- 5.3(476) Docketing
- 5.4(476) Statement of position
- 5.5(476) Oral presentation
- 5.6(476) Decision
- 5.7(476) Extent of deregulation
- 5.8(476) Hearing and order

CHAPTER 6  
COMPLAINT PROCEDURES

- 6.1(476) Inquiry
- 6.2(476) Complaint
- 6.3(476) Processing the complaint
- 6.4(476) Proposed resolution
- 6.5(476) Initiating formal complaint proceedings
- 6.6(476) Applicable procedures
- 6.7(476) Record
- 6.8(476) Special procedures for complaints alleging unauthorized changes in telecommunications services

CHAPTER 7  
PRACTICE AND PROCEDURE

- 7.1(17A,474,476) Scope and applicability
- 7.2(17A,476) Definitions
- 7.3(17A,476) Presiding officers
- 7.4(17A,474,476) General information
- 7.5(17A,476) Time requirements
- 7.6(17A,476) Telephone proceedings
- 7.7(17A,476) Electronic information
- 7.8(17A,476) Delivery of notice of hearing
- 7.9(17A,476) Pleadings and answers
- 7.10(17A,476) Prefiled testimony and exhibits
- 7.11(17A,476) Documentary evidence in books and materials
- 7.12(17A,476) Motions
- 7.13(17A,476) Intervention
- 7.14(17A,476) Consolidation and severance
- 7.15(17A,476) Discovery
- 7.16(17A,476) Subpoenas
- 7.17(17A,476) Prehearing conference
- 7.18(17A,476) Settlements
- 7.19(17A,476) Stipulations
- 7.20(17A,476) Investigations
- 7.21(17A,476) Withdrawals
- 7.22(17A,476) Ex parte communication
- 7.23(17A,476) Hearings
- 7.24(17A,476) Reopening record
- 7.25(17A,476) Interlocutory appeals
- 7.26(17A,476) Appeals to board from a proposed decision of a presiding officer

- 7.27(17A,476) Rehearing and reconsideration
- 7.28(17A,476) Stay of agency decision
- 7.29(17A,476) Emergency adjudicative proceedings

#### CHAPTER 8 CIVIL PENALTIES

- 8.1(476) Civil penalty for willful violation
- 8.2(476) Procedure
- 8.3(476) Penalties assessed
- 8.4(476) Payment of penalty
- 8.5(476) Rate-regulated utilities

#### CHAPTER 9 RESTORATION OF AGRICULTURAL LANDS DURING AND AFTER PIPELINE CONSTRUCTION

- 9.1(479,479B) General information
- 9.2(479,479B) Filing of land restoration plans
- 9.3(479,479B) Procedure for review of plan
- 9.4(479,479B) Restoration of agricultural lands
- 9.5(479,479B) Designation of a pipeline company point of contact for landowner inquiries or claims
- 9.6(479,479B) Separate agreements
- 9.7(479,479B) Enforcement

#### CHAPTER 10 INTRASTATE GAS AND UNDERGROUND GAS STORAGE

- 10.1(479) General information
- 10.2(479) Petition for permit
- 10.3(479) Informational meetings
- 10.4(479) Notice of hearing
- 10.5(479) Objections
- 10.6(479) Hearing
- 10.7(479) Pipeline permit
- 10.8(479) Renewal permits
- 10.9(479) Amendment of permits
- 10.10(479) Fees and expenses
- 10.11(479) Inspections
- 10.12(479) Standards for construction, operation and maintenance
- 10.13 Reserved
- 10.14(479) Crossings of highways, railroads, and rivers
- 10.15 Reserved
- 10.16(479) When a permit is required
- 10.17(479) Reports to federal agencies
- 10.18(479) Reportable changes to pipelines under permit
- 10.19(479) Sale or transfer of permit

#### CHAPTER 11 ELECTRIC LINES

- 11.1(478) General information
- 11.2(478) Forms of petition for franchise, extension, or amendment of franchise
- 11.3(478) Additional filing instructions
- 11.4(478) Informational meetings
- 11.5(478) Notices

- 11.6(478) Common and joint use
- 11.7(478) Termination of franchise petition proceedings
- 11.8(478) Fees and expenses

## CHAPTER 12 INTERSTATE NATURAL GAS PIPELINES AND UNDERGROUND STORAGE

- 12.1(479A) Authority
- 12.2(479A) Inspections
- 12.3 to 12.5 Reserved
- 12.6(479A) Incident reporting

## CHAPTER 13 HAZARDOUS LIQUID PIPELINES AND UNDERGROUND STORAGE

- 13.1(479B) General information
- 13.2(479B) Petition for permit
- 13.3(479B) Informational meetings
- 13.4(479B) Notice of hearing
- 13.5(479B) Objections
- 13.6(479B) Hearing
- 13.7(479B) Pipeline permit
- 13.8(479B) Renewal permits
- 13.9(479B) Amendment of permits
- 13.10(479B) Fees and expenses
- 13.11 Reserved
- 13.12(479B) Land restoration
- 13.13 Reserved
- 13.14(479B) Crossings of highways, railroads, and rivers
- 13.15 to 13.17 Reserved
- 13.18(479B) Reportable changes to pipelines under permit
- 13.19(479B) Sale or transfer of permit

## CHAPTER 14 ELECTRONIC FILING

- 14.1(17A,476) Purpose
- 14.2(17A,476) Scope and applicability of electronic filing requirement
- 14.3(17A,476) Definitions
- 14.4(17A,476) Exceptions; number of paper copies required
- 14.5(17A,476) Electronic filing procedures and required formats
- 14.6(17A,476) Registration
- 14.7(17A,476) Electronic file
- 14.8(17A,476) Paper copies required
- 14.9(17A,476) When electronic filings can be made; official filing date
- 14.10(17A,476) Notice of system unavailability
- 14.11(17A,476) Technical difficulties
- 14.12(17A,476) Documents containing confidential material
- 14.13(17A,476) Signatures
- 14.14(17A,476) Original documents
- 14.15(17A,476) Transcripts
- 14.16(17A,476) Electronic service



*UTILITIES AND  
TRANSPORTATION DIVISIONS*

CHAPTER 15

COGENERATION AND SMALL POWER PRODUCTION

- 15.1(476) Definitions
- 15.2(476) Scope
- 15.3(476) Information to board
- 15.4(476) Rate-regulated electric utility obligations under this chapter regarding qualifying facilities
- 15.5(476) Rates for purchases from qualifying facilities by rate-regulated electric utilities
- 15.6(476) Rates for sales to qualifying facilities and AEP facilities by rate-regulated utilities
- 15.7(476) Additional services to be provided to qualifying facilities and AEP facilities by rate-regulated electric utilities
- 15.8(476) Interconnection costs
- 15.9(476) System emergencies
- 15.10(476) Standards for interconnection, safety, and operating reliability
- 15.11(476) Additional rate-regulated utility obligations regarding AEP facilities
- 15.12 to 15.16 Reserved
- 15.17(476) Alternate energy purchase programs
- 15.18(476B) Certification of eligibility for wind energy tax credits under Iowa Code chapter 476B
- 15.19(476C) Certification of eligibility for wind energy and renewable energy tax credits under Iowa Code chapter 476C
- 15.20(476B) Applications for wind energy tax credits under Iowa Code chapter 476B
- 15.21(476C) Applications for renewable energy tax credits under Iowa Code chapter 476C
- 15.22(476) Small wind innovation zones

CHAPTER 16

ACCOUNTING

- 16.1(476) Accounting—general information
- 16.2(476) Uniform systems of accounts—electric
- 16.3(476) Uniform systems of accounts—gas
- 16.4(476) Uniform systems of accounts—water
- 16.5(476) Uniform systems of accounts—telephone
- 16.6(476) Uniform systems of accounts—telegraph
- 16.7(476) Filing of present promotional practices
- 16.8(476) Compiling advertisements and expenses
- 16.9(476) Postemployment benefits other than pensions

CHAPTER 17

ASSESSMENTS

- 17.1(475A,476,546) Purpose
- 17.2(475A,476) Definitions
- 17.3(476) Expenses to be included in direct assessments
- 17.4(476) Direct assessments under Iowa Code Supplement section 476.10
- 17.5(476) Reporting of operating revenues
- 17.6(475A,476) Compilation and billing of assessment
- 17.7(476) Funding of Iowa energy center and global warming center
- 17.8(476) Assessments under Iowa Code section 476.101(10)
- 17.9(478,479,479A,479B) Assessments under Iowa Code chapters 478, 479, 479A, and 479B

## CHAPTER 18 UTILITY RECORDS

18.1(476)	Definitions
18.2(476)	Location of records
18.3(476)	Availability of records
18.4(476)	Electric utilities other than rural electric cooperatives
18.5(476)	Rural electric cooperatives
18.6(476)	Gas utilities
18.7(476)	Water utilities
18.8(476)	Telephone utilities

## CHAPTER 19 SERVICE SUPPLIED BY GAS UTILITIES

19.1(476)	General information
19.2(476)	Records, reports, and tariffs
19.3(476)	General service requirements
19.4(476)	Customer relations
19.5(476)	Engineering practice
19.6(476)	Metering
19.7(476)	Standards of quality of service
19.8(476)	Safety
19.9	Reserved
19.10(476)	Purchased gas adjustment (PGA)
19.11(476)	Periodic review of gas procurement practices [476.6(15)]
19.12(476)	Flexible rates
19.13(476)	Transportation service
19.14(476)	Certification of competitive natural gas providers and aggregators
19.15(476)	Customer contribution fund
19.16(476)	Reserve margin
19.17(476)	Incident notification and reports
19.18(476)	Capital infrastructure investment automatic adjustment mechanism

## CHAPTER 20 SERVICE SUPPLIED BY ELECTRIC UTILITIES

20.1(476)	General information
20.2(476)	Records, reports, and tariffs
20.3(476)	General service requirements
20.4(476)	Customer relations
20.5(476)	Engineering practice
20.6(476)	Metering
20.7(476)	Standards of quality of service
20.8(476)	Safety
20.9(476)	Electric energy sliding scale or automatic adjustment
20.10(476)	Ratemaking standards
20.11(476)	Customer notification of peaks in electric energy demand
20.12	Reserved
20.13(476)	Periodic electric energy supply and cost review [476.6(16)]
20.14(476)	Flexible rates
20.15(476)	Customer contribution fund
20.16	Reserved
20.17(476)	Ratemaking treatment of emission allowances

- 20.18(476,478) Service reliability requirements for electric utilities
- 20.19(476,478) Notification of outages

## CHAPTER 21

### SERVICE SUPPLIED BY WATER UTILITIES

- 21.1(476) Application of rules
- 21.2(476) Records and reports
- 21.3(476) General service requirements
- 21.4(476) Customer relations
- 21.5(476) Engineering practice
- 21.6(476) Meter testing
- 21.7(476) Standards of quality of service
- 21.8(476) Applications for water costs for fire protection services
- 21.9(476) Incident reports

## CHAPTER 22

### RATES CHARGED AND SERVICE SUPPLIED BY TELEPHONE UTILITIES

- 22.1(476) General information
- 22.2(476) Records and reports
- 22.3(476) General service requirements
- 22.4(476) Customer relations
- 22.5(476) Telephone utility service standards
- 22.6(476) Standards of quality of service
- 22.7(476) Safety
- 22.8(476) Nontoll interexchange trunking service (EAS) survey procedure
- 22.9(476) Terminal equipment
- 22.10(476) Unfair practices
- 22.11(476) Inside station wiring standards
- 22.12(476) Contents of tariff filings proposing rates
- 22.13 Reserved
- 22.14(476) Intrastate access charge application, tariff procedures, and rates
- 22.15(476) Interexchange utility service and access
- 22.16(476) Discontinuance of service
- 22.17(476) Resale of service
- 22.18 Reserved
- 22.19(476) Alternative operator services
- 22.20(476) Service territories
- 22.21(476) Toll dialing patterns
- 22.22 Reserved
- 22.23(476) Unauthorized changes in telephone service
- 22.24(476) Applications for numbering resources

## CHAPTER 23

### ANNUAL REPORT

- 23.1(476) General information
- 23.2(476) Annual report requirements—rate-regulated utilities
- 23.3(476) Annual report requirements—non-rate-regulated utilities

## CHAPTER 24

### LOCATION AND CONSTRUCTION OF ELECTRIC POWER GENERATING FACILITIES

- 24.1(476A) Authority, purpose, and policy
- 24.2(476A) Definitions

24.3(476A)	Form of application, place of filing
24.4(476A)	Application for a certificate—contents
24.5(476A)	Initial board review: Application acceptance
24.6(476A)	Procedural schedule
24.7(476A)	Informational meeting
24.8(476A)	Hearing procedure
24.9(476A)	Separate hearings on separate issues
24.10(476A)	Certification decision
24.11(476A)	Site preparation
24.12(476A)	Issuance of a certificate
24.13(476A)	Exemptions from certification application; application for amendment for certificate: Contents
24.14(476A)	Assessment of costs
24.15(476A)	Waiver

## CHAPTER 25 IOWA ELECTRICAL SAFETY CODE

25.1(476,476A,478)	General information
25.2(476,476A,478)	Iowa electrical safety code defined
25.3(476,478)	Inspection and maintenance plans
25.4(476,478)	Correction of problems found during inspections and pole attachment procedures
25.5(476,478)	Accident reports

## CHAPTER 26 RATE CASES, TARIFFS, AND RATE REGULATION ELECTION PRACTICE AND PROCEDURE

26.1(17A,476)	Scope and applicability
26.2(17A,476)	Defective filings
26.3(17A,476)	Proposal of settlements
26.4(476)	Rate case expense
26.5(476)	Applications and petitions
26.6(476)	Answers
26.7(476)	Rate investigation
26.8(476)	Procedural schedule in Iowa Code sections 476.3 and 476.6 proceedings
26.9(476)	Consumer comment hearing in docketed rate case of an investor-owned utility company
26.10(476)	Appeal from administrative law judge's decision
26.11(476)	Consideration of current information in rate regulatory proceedings
26.12(476)	Rate regulation election—electric cooperative corporations and associations

## CHAPTERS 27 and 28 Reserved

## CHAPTER 29 MANAGEMENT EFFICIENCY STANDARDS

29.1(476)	Policy and purpose
29.2(476)	Efficiency considered in rate case
29.3(476)	Management efficiency standards
29.4(476)	Rewards and penalties

CHAPTER 30  
TAX REFORM REVENUE ADJUSTMENT

- 30.1(476) Applicability
- 30.2(476) General filing requirement
- 30.3(476) Revenue adjustment
- 30.4(476) Revised revenue requirement
- 30.5(476) Rate filing
- 30.6(476) Board approval

CHAPTER 31  
ACCESS TO AFFILIATE RECORDS, REQUIREMENTS FOR ANNUAL FILINGS,  
AND ASSET AND SERVICE TRANSFERS

- 31.1(476) Applicability and definition of terms
- 31.2(476) Availability of records
- 31.3(476) Annual filing
- 31.4(476) Additional filing requirements for affiliated telecommunications service providers
- 31.5(476) Verified copies and confidential treatment
- 31.6(476) Comparable information
- 31.7(476) Standards for costing service transfers between regulated operations and nonregulated affiliates
- 31.8(476) Standards for costing asset transfers between regulated operations and non-regulated affiliates valued at less than \$2 million
- 31.9(476) Waivers

CHAPTER 32  
REORGANIZATION

- 32.1(476) Applicability and definition of terms
- 32.2(476) Substantial part of a public utility's assets
- 32.3(476) Declaratory rulings
- 32.4(476) Proposal for reorganization—filing requirements
- 32.5(476) Effective date
- 32.6(476) Insufficient filing
- 32.7(476) Additional information authorized
- 32.8(476) Waivers
- 32.9(476) Procedural matters

CHAPTER 33  
NONUTILITY ACTIVITIES—RECORD KEEPING  
AND COST ALLOCATIONS

- 33.1(476) Applicability
- 33.2(476) Definitions
- 33.3(476) Availability of records
- 33.4(476) Costing methodology
- 33.5(476) Cost allocation manuals
- 33.6(476) Standards for costing service transfers within a regulated subsidiary or utility
- 33.7(476) Standards for costing asset transfers within a regulated subsidiary or utility

CHAPTER 34  
NONUTILITY SERVICE

- 34.1(476) Statement of purpose
- 34.2(476) Definition—nonutility service
- 34.3(476) Definition—systematic marketing effort

- 34.4(476) Engaged primarily in providing the same competitive nonutility services in the area—defined
- 34.5(476) Charges permitted
- 34.6(476) Procedures for utilization of billing and collection system
- 34.7(476) Complaints

#### CHAPTER 35

##### ENERGY EFFICIENCY PLANNING AND COST REVIEW

- 35.1(476) Policy and purpose
- 35.2(476) Definitions
- 35.3(476) Applicability
- 35.4(476) Schedule of filings
- 35.5 Reserved
- 35.6(476) Procedures
- 35.7(476) Waivers
- 35.8(476) Assessment of potential and energy efficiency plan requirements
- 35.9(476) Additional requirements for electric utilities
- 35.10(476) Additional requirements for gas utilities
- 35.11(476) Additional filing requirements
- 35.12(476) Energy efficiency cost recovery
- 35.13(476) Prudence review
- 35.14(476) New structure energy conservation standards
- 35.15(476) Exterior flood lighting

#### CHAPTER 36

##### ENERGY EFFICIENCY PLANNING AND REPORTING FOR NON-RATE-REGULATED GAS AND ELECTRIC UTILITIES

- 36.1(476) Non-rate-regulated utilities
- 36.2(476) Definitions
- 36.3(476) Schedule of filings
- 36.4(476) Joint filing of plans
- 36.5(476) Energy efficiency plan requirements
- 36.6(476) Program selection criteria
- 36.7(476) New Structure energy conservation standards
- 36.8(476) Exterior flood lighting

#### CHAPTER 37

##### EQUIPMENT DISTRIBUTION PROGRAM

- 37.1(477C) Policy and purpose
- 37.2(477C) Program structure
- 37.3(477C) Eligibility
- 37.4(477C) Equipment
- 37.5(477C) Complaints

#### CHAPTER 38

##### LOCAL EXCHANGE COMPETITION

- 38.1(476) General information
- 38.2(476) Number portability
- 38.3(476) Interconnection requirements
- 38.4(476) Unbundled facilities, services, features, functions, and capabilities
- 38.5(476) Cost standards
- 38.6(476) Compensation for termination of telecommunications services
- 38.7(476) Mediation and arbitration

CHAPTER 39  
UNIVERSAL SERVICE

39.1(476)	Authority and purpose
39.2(476)	Definition of terms
39.3(476)	Applying for designation as an eligible telecommunications carrier
39.4(476)	Lifeline-only applicants
39.5(476)	Service area
39.6(476)	Universal service support for low-income consumers (Lifeline program and Tribal Link Up program)
39.7(476)	Schedule of filings
39.8(476)	Relinquishment of ETC designation

CHAPTER 40  
COMPETITIVE BIDDING PROCESS

40.1(476)	General information
40.2(476)	Competitive resource acquisition procedure
40.3(476)	Utility-build or lease cost estimates
40.4(476)	Utility affiliate bids
40.5(476)	Request for proposals (RFP)
40.6(476)	Complaints

CHAPTER 41  
Reserved

CHAPTER 42  
CROSSING OF RAILROAD RIGHTS-OF-WAY

42.1(476)	Definitions
42.2(476)	Applicability and purpose
42.3(476)	General notice and specification exhibit requirements and payment of fee
42.4(476)	Emergency notice and repairs
42.5(476)	Relocation of public utility facilities
42.6(476)	Engineering standards for electric and communications lines
42.7(476)	Engineering standards for pipelines
42.8(476)	Liability
42.9(476)	Insurance
42.10(476)	Removal of equipment
42.11(476)	Assignment
42.12(476)	Prohibition against mechanic's liens
42.13(476)	Taxes
42.14(476)	Protection of signal systems
42.15(476)	Safety regulations
42.16(476)	Recording
42.17(17A,476)	Complaints and petitions for relief—general information
42.18(17A,476)	Filing of complaint or petition
42.19(17A,476)	Presiding officer
42.20(17A,476)	Answer
42.21(17A,476)	Parties and appearances
42.22(17A,476)	Procedural order and notice of hearing
42.23(17A,476)	Discovery
42.24(17A,476)	Hearing procedures
42.25(17A,476)	Decision

## CHAPTER 43

Reserved

## CHAPTER 44

CERTIFICATES OF FRANCHISE AUTHORITY FOR  
CABLE AND VIDEO SERVICE

- 44.1(17A,476,477A) Authority and purpose
- 44.2(17A,476,477A) Definitions
- 44.3(17A,476,477A) Certificate of franchise authority
- 44.4(17A,476,477A) Notice to municipality and incumbent cable provider
- 44.5(17A,476,477A) Conversion of municipal franchise by incumbent cable provider
- 44.6(17A,476,477A) Revocation of certificates, termination of service, reinstatement of previously terminated municipal franchises
- 44.7(17A,476,477A) Assessment of board costs

## CHAPTER 45

## ELECTRIC INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES

- 45.1(476) Definitions
- 45.2(476) Scope
- 45.3(476) Technical standards
- 45.4(476) Interconnection requests
- 45.5(476) General requirements
- 45.6(476) Lab-certified equipment
- 45.7(476) Determining the review level
- 45.8(476) Level 1 expedited review
- 45.9(476) Level 2 expedited review
- 45.10(476) Level 3 expedited review
- 45.11(476) Level 4 review
- 45.12(476) Disputes
- 45.13(476) Records and reports
- 45.14(476) Appendix A – Level 1 standard application form and distributed generation interconnection agreement
- 45.15(476) Appendix B – Standard certificate of completion
- 45.16(476) Appendix C – Levels 2 to 4: standard application form
- 45.17(476) Appendix D – Levels 2 to 4: standard distributed generation interconnection agreement
- 45.18(476) Appendix E – Standard interconnection feasibility study agreement
- 45.19(476) Appendix F – Standard interconnection system impact study agreement
- 45.20(476) Appendix G – Standard interconnection facilities study agreement



CHAPTER 1  
ORGANIZATION AND OPERATION  
[Prior to 10/8/86, Commerce Commission[250]]

**199—1.1(17A,474) Purpose.** This chapter describes the organization and operation of the Iowa utilities board (hereinafter referred to as board) including the offices where, and the means by which any interested person may obtain information and make submittals or requests.

**199—1.2(17A,474) Scope of rules.** Promulgated under Iowa Code chapters 17A and 474, these rules shall apply to all matters before the Iowa utilities board. No rule shall in any way relieve a utility or other person from any duty under the laws of this state.

**199—1.3(17A,474,476,78GA,HF2206) Waivers.** In response to a request, or on its own motion, the board may grant a waiver from a rule adopted by the board, in whole or in part, as applied to a specific set of circumstances, if the board finds, based on clear and convincing evidence, that:

1. The application of the rule would pose an undue hardship on the person for whom the waiver is requested;
2. The waiver would not prejudice the substantial legal rights of any person;
3. The provisions of the rule subject to a petition for waiver are not specifically mandated by statute or another provision of law; and
4. Substantially equal protection of public health, safety, and welfare will be afforded by a means other than that prescribed in the rule for which the waiver is requested.

The burden of persuasion rests with the person who petitions the board for the waiver. If the above criteria are met, a waiver may be granted at the discretion of the board upon consideration of all relevant factors.

Persons requesting a waiver may use the form provided in 199—subrule 2.2(17), or may submit their request as a part of another pleading. The waiver request must state the relevant facts and reasons the requester believes will justify the waiver, if they have not already been provided to the board in another pleading. The waiver request must also state the scope and operative period of the requested waiver. If the request is for a permanent waiver, the requester must state reasons why a temporary waiver would be impractical.

The waiver shall describe its precise scope and operative period. Grants or denials of waiver requests shall contain a statement of the facts and reasons upon which the decision is based. The board may condition the grant of the waiver on such reasonable conditions as appropriate to achieve the objectives of the particular rule in question. The board may at any time cancel a waiver upon appropriate notice and opportunity for hearing.

This rule is intended to implement Iowa Code chapters 17A, 474, and 476 and 2000 Iowa Acts, House File 2206.

**199—1.4(17A,474) Duties of the board.** The utilities board regulates electric, gas, telephone, telegraph, and water utilities; and pipelines and underground gas storage. The board regulates the rates and services of public utilities pursuant to Iowa Code chapter 476; certification of electric power generators pursuant to chapter 476A; construction and safety of electric transmission lines pursuant to chapter 478; and the construction and operation of pipelines and underground gas or hazardous liquid storage pursuant to chapters 479, 479A and 479B.

**199—1.5(17A,474) Organization.** The utilities division consists of the three-member board, the office of the executive secretary, which heads the technical and administrative staff, and the office of general counsel.

**1.5(1) The board.** The three-member board is the policy-making body for the utilities division. The chairperson serves as the administrator of the utilities division. As administrator, the chairperson is responsible for all administrative functions and decisions.

**1.5(2) *General counsel.*** The duties of the general counsel are prescribed by Iowa Code section 474.10. The general counsel acts as attorney for and legal advisor of the board and its staff and represents the board in all actions instituted in a state or federal court challenging the validity of any rule, regulation or order of the board.

**1.5(3) *The office of the executive secretary.*** The executive secretary is appointed by the board and is its chief operating officer and responsible for all technical staff. The executive secretary is also the custodian of the board seal and all board records. The executive secretary, deputy executive secretary, or secretary's designee is responsible for attesting to the signatures of the board members and placing the seal on original board orders. The executive secretary, deputy executive secretary, or the secretary's designee is responsible for certifying official copies of board documents. The executive secretary shall also be responsible for establishing procedures for the examination of board records by the general public pursuant to the provisions of Iowa Code section 22.11 and for providing for the enforcement of those procedures.

*a.* The deputy executive secretary assists the executive secretary in carrying out responsibilities and is responsible for preparing the agency budget and managing the records center, technical library, and receptionist area.

*b.* The customer service section serves as the agency's information contact and provides customer assistance and education for both the staff and the public. The section assists customers and competitors in resolving disputes with service providers. The section monitors customer service policies and practices, provides information to the public, and advises the board on customer service quality and issues of public concern.

*c.* The energy section is responsible for providing the board with recommendations for appropriate actions on energy matters. The section monitors activities of gas, electric, and water service providers. It also provides analysis and recommendations on tariff filings, rate proceedings, annual fuel purchase reviews, service territory disputes, and restructuring issues. The section advises the board on issues before the Federal Energy Regulatory Commission (FERC) and U.S. Department of Energy (DOE).

*d.* The information technology section is responsible for the development of electronic support and technology training for the division. This includes the development of a management information system and other database applications for the division. It also maintains the board's local area network system and provides all computer and technical support services and systems for the processing of information and records, including website development and maintenance, and monitoring incoming electronic messages and requests for information.

*e.* The policy development section provides professional and technical support to the industry sections and the board in the areas of policy development and research. In cases before the board, the section is responsible for the review and analysis of cost of capital, cost of service, and rate design. The section is responsible for performing analysis of competitive and restructuring issues, utility management performance, least cost alternatives, energy efficiency activities, and other public policy matters.

*f.* The safety and engineering section is responsible for the regulation of gas and electric providers and pipeline and electric transmission and distribution companies as it relates to safety, construction, and operation and maintenance of facilities. The section reviews and processes all petitions for electric transmission line franchises under Iowa Code chapter 478 and for pipeline permits under Iowa Code chapters 479 and 479B. It also acts as an agent for the federal Department of Transportation in pipeline safety matters.

*g.* The telecommunications section is responsible for providing the board with recommendations for appropriate actions on telecommunications matters. The section monitors activities of telecommunications service providers. It also provides analysis and recommendations of telecommunications providers' filings, rate proceedings, and advises the board on ratemaking and restructuring issues. The section advises the board on issues before the Federal Communications Commission (FCC).

**199—1.6(68B) Consent for the sale or lease of goods and services.** An official or employee shall not sell or lease, either directly or indirectly, any goods or services to individuals, associations, or

corporations subject to the regulatory authority of the board without complying with the provisions of rule 351—6.11(68B) of the Iowa ethics and campaign disclosure board.

**1.6(1) General prohibition.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(2) Definitions.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(3) Application for consent.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(4) Conditions of consent for officials.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(5) Conditions of consent for employees.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(6) Effect of consent.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(7) Participation in utility programs.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(8) Appeal.** Rescinded IAB 8/16/06, effective 9/20/06.

**1.6(9) Notice.** Rescinded IAB 8/16/06, effective 9/20/06.

**199—1.7** Rescinded, effective January 1, 1984.

**199—1.8(17A,474) Matters applicable to all proceedings.**

**1.8(1) Communications.** All communications to the board shall be addressed to the Executive Secretary, Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069, unless otherwise specifically directed. Pleadings and other papers required to be filed with the board shall be filed in the office of the executive secretary of the board within the time limit, if any, for such filing. Unless otherwise specifically provided, all communications and documents are officially filed upon receipt at the office of the board.

**1.8(2) Office hours.** Office hours are 8 a.m. to 4:30 p.m., Monday to Friday. Offices are closed on Saturdays and Sundays and on official state holidays designated in accordance with state law. Time provisions for electronic filing are found at 199—14.9(17A,476).

**1.8(3) Sessions of the board.** The board shall be considered in session at the office of the board in Des Moines, Iowa, during regular business hours. When a quorum of the board is present, it shall be considered a session for considering and acting upon any business of the board. A majority of the board constitutes a quorum for the transaction of business.

**1.8(4) Cross reference to rules regarding electronic filing, placement of docket numbers on filings, service of documents, and required number of copies.** The board's rules regarding electronic filing are found at 199—Chapter 14. The board's rules regarding paper filing are found at 199—Chapter 7, including the board's rule regarding placement of docket numbers on filings at 199—subrule 7.4(3); the board's rule regarding service of documents at 199—subrule 7.4(6); and the board's rule regarding required number of copies of documents filed on paper at 199—subrule 7.4(4).

[Editorial change: IAC Supplement 12/29/10]

**199—1.9(22) Public information and inspection of records.**

**1.9(1) Public information.** Any interested person may examine all public records of the board by written request or in person at the offices of the board. Public records shall be examined only at the board during the board's regular business hours, Monday through Friday from 8 a.m. to 4:30 p.m., excluding legal holidays. Unless otherwise provided by law, all public records, other than confidential records, maintained by the board shall be made available for public inspection.

**1.9(2) Definitions.**

*"Confidential records."* Records not available for public inspection under state law.

*"Personally identifiable information."* Information about or pertaining to an individual. This does not include information pertaining to corporations.

*"Public records."* Records of or belonging to the board which are necessary to the discharge of its duties.

**1.9(3) Inspection of records.** Subrule 1.9(4) below lists those board records which are routinely available for public inspection in the board's records center. Procedures governing requests for inspection of the records are set out in subrule 1.9(7).

**1.9(4)** *Board records routinely available for public inspection.* In accordance with the provisions of the State Records Management Manual, the board collects and maintains the following records that are routinely available for public inspection:

- a. Board calendars, agenda, news releases and other information intended for the public.
- b. Board decisions, orders, opinions and other statements of law or policy issued by the board in the performance of its function.
- c. The records of utility rate case proceedings.
- d. The records of rule-making proceedings.
- e. Annual reports of the board and annual reports filed with the board by public utilities.
- f. Tariffs filed by a public utility showing the rates and charges for its services and the rules and regulations under which the services are furnished.
- g. The records of formal utility service proceedings.
- h. Documents relating to informal and formal complaints against utilities.
- i. The records of formal utility investigations.
- j. The records of utility depreciation proceedings.
- k. Rulings on requests for waiver of board rules.
- l. The records of the board's annual review of an electric or gas utility.
- m. The records of proceedings for the issuance or amendment of an electric generator certificate.
- n. Information on public utilities' energy conservation programs.
- o. The records of formal proceedings for the issuance of an electric franchise or certificate.
- p. The records of formal proceedings for the issuance of a permit to construct a pipeline or underground gas storage facility.
- q. Petitions by a public utility for particular treatment of an extraordinary item under commission accounting rules.
- r. The records of board proceedings on matters relating to electric and pipeline safety.
- s. Public utility filings with the board relating to customer rights and remedies.
- t. All other records that are not specifically exempted from disclosure by subrule 1.9(5).

The board's files of public records listed above may contain confidential records. Any request to review confidential records must be made in accordance with subrule 1.9(8). In addition, the board's records listed in "b," "c," "e," and "h" may contain personally identifiable information.

Various legal and technical publications related to public utilities are also available for inspection by the public in the board's technical library.

**1.9(5)** *Records not routinely available for public inspection.* The following records are not routinely available for public inspection. The records are listed in this subrule by category, according to the statutory basis for withholding them from inspection.

a. *Materials that are specifically exempted from disclosure by statute and which the board may in its discretion withhold from public inspection.* Any person may request permission to inspect particular records withheld from inspection under this subrule. At the time of the request, the board will notify all interested parties. If the request is to review materials under subparagraphs 1.9(5) "a"(1) and 1.9(5) "a"(3), the board will withhold the materials from public inspection for 14 days to allow the party who submitted the materials an opportunity to seek injunctive relief. Records the commission is authorized to withhold from public inspection under Iowa law in its discretion include, but are not limited to, the following:

- (1) Trade secrets recognized and protected as such by law. Iowa Code section 22.7.
- (2) Records that represent and constitute the work product of an attorney, which are related to litigation or claim made by or against a public body. Iowa Code section 22.7.
- (3) Reports made to the board which, if released, would give advantage to competitors and serve no public purpose. Iowa Code section 22.7.
- (4) Personal information in confidential personnel records of the board. Iowa Code section 22.7.
- (5) Communications not required by law, rule, or procedure that are made to a government body or to any of its employees by identified persons outside of government, to the extent that the government body receiving those communications could reasonably believe that those persons would

be discouraged from making them to the government body if they were available for general public examination. Notwithstanding this provision:

1. The communication is a public record to the extent the person outside of government making that communication consents to its treatment as a public record.

2. Information contained in the communication is a public record to the extent it can be disclosed without directly or indirectly indicating the identity of the person outside of government making it or enabling others to ascertain the identity of that person.

3. Information contained in the communication is a public record to the extent it indicates the date, time, specific location, and immediate facts and circumstances surrounding the occurrence of a crime or other illegal act, except to the extent its disclosure would plainly and seriously jeopardize a continuing investigation or pose a clear and present danger to the safety of any person. In any action challenging the failure of the lawful custodian to disclose any particular information of the kind enumerated in this paragraph, the burden of proof is on the lawful custodian to demonstrate the disclosure of that information would jeopardize such an investigation or would pose such a clear and present danger. Iowa Code section 22.7.

(6) Materials exempted from public inspection under any other provisions of state law.

*b. Materials that are specifically exempted from disclosure by statute and which the board is prohibited from making available for public inspection.* The board is required to withhold the following materials from public inspection:

(1) Tax records submitted to the board and required by it in the execution of its duties shall be held confidential. Iowa Code section 422.20.

(2) Reserved.

*c. Materials exempted pursuant to requests deemed granted by the board.* Requests to withhold from public inspection the materials and information listed in the subparagraphs below are deemed granted by the board pursuant to Iowa Code section 22.7(3) or 22.7(6), or both sections, provided that the confidential portions of the filings are identified as confidential and filed as provided in 199—14.12(17A,476) and an attorney for the company or corporate officer avers that the material or information satisfies the requirements in Iowa Code section 22.7(3) or 22.7(6), or both sections. The material or information filed pursuant to this paragraph will be deemed confidential upon the filer's receipt of a notice of electronic filing without further review or acknowledgement by the board, and the material or information shall be withheld from public inspection subject to the provisions of subparagraph 1.9(8) "b"(3).

(1) Negotiated transportation rates and prices for natural gas supply.

(2) Reservation charges for portfolio gas supply contracts.

(3) Terms and prices for all hedging activity, including financial hedges and weather-related information.

(4) Sales data by individual natural gas customer.

(5) Natural gas purchase volumes by individual receipt point, by pipeline.

(6) Specific gas costs included in interstate pipeline contracts and contracted volume quantities, invoices, commodity contracts, and individual commodity purchases and invoices.

(7) Design day forecasting model reserve margin calculations for natural gas service.

(8) Negotiated purchase prices for electric power, fuel, and transportation.

(9) Electric customer-specific information.

(10) Power supply bills in support of energy adjustment clause filings.

(11) Network improvement and maintenance plans and related extensions and progress reports filed with the board pursuant to 199—subrule 39.7(3).

(12) Wireless coverage area maps depicting signal strength filed with the board pursuant to 199—paragraph 39.3(2) "g."

(13) Revenue recovery amounts and loop or line count data filed with the board pursuant to 199—subrule 39.7(2).

(14) Financial reports and loop or line count data included in rate floor data filed with the board pursuant to 199—subrule 39.7(3).

(15) Loop or line count data included in rate floor data updates filed with the board pursuant to 199—subrule 39.7(4).

(16) The financial records filed by applicants for certificates of convenience and necessity to provide competitive local exchange service.

**1.9(6)** *Requests that materials or information submitted to the board be withheld from public inspection.* Any person submitting information or materials to the board may submit a request that part or all of the information or materials not be made available for public inspection pursuant to the following requirements.

*a. Procedure.* The materials to which the request applies shall be physically separated from any materials to which the request does not apply. The request shall be attached to the materials to which it applies. Each page of the materials to which the request applies shall be clearly marked confidential.

*b. Content of request.* Each request shall contain a statement of the legal basis for withholding the materials from inspection and the facts to support the legal basis relied upon. The facts underlying the legal basis shall be supported by affidavit executed by a corporate officer (or by an individual, if not a business entity) with personal knowledge of the specific facts. If the request is that the materials be withheld from inspection for a limited period of time, the period shall be specified.

*c. Compliance.* If a request complies with the requirements of paragraphs “a” and “b” of this subrule, the materials will be temporarily withheld from public inspection. The board will examine the documents to determine whether the documents should be afforded confidentiality. If the request is granted, the ruling will be placed in a public file in lieu of the materials withheld from public inspection.

*d. Request denied.* If a request for confidentiality is denied, the documents will be held confidential for 14 days to allow the applicant an opportunity to seek injunctive relief. After the 14 days expire, the materials will be available for public inspection, unless the board is directed by a court to keep the information confidential.

**1.9(7)** *Procedures for the inspection of commission records which are routinely available for public inspection.* The records in question must be reasonably described by the person requesting them to permit their location by staff personnel. Members of the public will not be given access to the area in which records are kept and will not be permitted to search the files.

Advance requests to have records available on a certain date may be made by telephone or by correspondence.

*a. Search fees.* An hourly fee will be charged for searching for requested records. The fee will be based upon the pay scale of the employee who makes the search. No search fee will be charged if the records are not located, the records are not made available for inspection, or the search does not exceed one-quarter hour in duration.

*b. Written request.* Written requests should list the telephone number (if any) of the person making the request, and for each document requested should set out all available information which would assist in identifying and locating the document. The request should also set out the maximum search fee the person making the request is prepared to pay. If the maximum search fee is reached before all of the requested documents have been located and copied, the requesting person will be notified. When the requesting person requests that the board mail copies of the materials, postage and handling expenses should also be included.

*c. Procedure for written request.* The records will be produced for inspection at the earliest possible date following a request. Records should be inspected within seven days after notice is given that the records have been located and are available for inspection. After seven days, the records will be returned to storage and additional charges may be imposed for having to produce them again.

*d. Copies.* Copies of public records may be made in the board’s records and information center and the charge shall be the actual copying cost.

**1.9(8)** *Procedures for the inspection of board records which are not routinely available for public inspection.* Any person desiring to inspect board records which are not routinely available for public inspection shall file a request for inspection meeting the requirements of this subrule.

*a. Content of request.* The records must be reasonably described by the person requesting them, so as to permit their location by staff personnel. Requests shall be directed to the executive secretary of the board.

*b. Procedure.* Requests for inspection shall be acted upon as follows:

(1) If the board is prohibited from disclosing the records, the request for inspection will be denied with a statement setting forth the specific grounds for denial.

(2) If the board is prohibited from disclosing part of a document from inspection, that part will be deleted and the remainder will be made available for inspection.

(3) In the case of requests to inspect records not routinely available for public inspection under 1.9(5) "a"(1), 1.9(5) "a"(3), and 1.9(5) "c," the board will notify all interested parties of the request to view the materials. The board will withhold the materials from public inspection for 14 days to allow the party who submitted the materials an opportunity to seek injunctive relief. If injunctive relief is not requested within this period, the records will be produced for inspection. Requests to review materials not routinely available for public inspection under any other category of paragraph 1.9(5) "a" will be acted upon by the board. If the request is granted by the board, or is partially granted and partially denied, the person who submitted the records to the board will be afforded 14 days from the date of the written ruling in which to seek injunctive relief. If injunctive relief is not requested within this period, the records will be produced for inspection.

**1.9(9)** *Procedures by which the subject of a confidential record may have a copy released to a named third party.* Upon a request which complies with the following procedures, the board will disclose a confidential record to its subject or to a named third party designated by the subject. Positive identification is required of all individuals making such a request.

*a. In-person requests.* Subjects of a confidential record who request that information be given to a named third party will be asked for positive means of identification. If an individual cannot provide suitable identification, the request will be denied.

Subjects of a confidential record who request that information be given to a named third party will be asked to sign a release form before the records are disclosed.

*b. Written request.* All requests by a subject of a confidential board record for release of the information to a named third party sent by mail shall be signed by the requester and shall include the requester's current address and telephone number (if any). If positive identification cannot be made on the basis of the information submitted along with the information contained in the record, the request will be denied.

Subjects of a confidential record who request by mail that information be given to a named third party will be asked to sign a release form before the records are disclosed.

*c. Denial of access to the record.* If positive identification cannot be made on the basis of the information submitted, and if data in the record is so sensitive that unauthorized access could cause harm or embarrassment to the individual to whom the record pertains, the board may deny access to the record pending the production of additional evidence of identity.

**1.9(10)** *Procedure by which the subject of a board record may have additions, dissents or objections entered into the record.* An individual may request an addition, dissent or an objection be entered into a board record which contains personally identifiable data pertaining to that individual. The request shall be acted on within a reasonable time.

*a. Content of request.* The request must be in writing and addressed to the executive secretary of the board. The request should contain the following information:

(1) A reasonable description of the pertinent record.

(2) Verification of identity.

(3) The requested addition, dissent or objection.

(4) The reason for the requested addition, dissent or objection to the record.

*b. Denial of request.* If the request is denied, the requester will be notified in writing of the refusal and will be advised that the requester may seek board review of the denial within ten working days after issuance of the denial.

**1.9(11) *Advice and assistance.*** Individuals who have questions regarding the procedures contained in these rules may contact the executive secretary of the board at the following address: Iowa Utilities Board, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069.

**1.9(12) *Data processing system.*** The board does not currently have a data processing system which matches, collates or permits the comparison of personally identifiable information in one record system with personally identifiable information on another record system.

[Editorial change: IAC Supplement 12/29/10; **ARC 1899C**, IAB 3/4/15, effective 4/8/15]

These rules are intended to implement Iowa Code sections 17A.3, 68B.4, 474.1, 474.5, 474.10, 476.1, 476.2, 476.31 and 546.7.

[Filed 2/11/76, Notice 7/14/75—published 2/23/76, effective 3/29/76]

[Filed 6/15/76 without Notice—published 6/28/76, effective 8/2/76]

[Filed emergency 6/28/82—published 7/21/82, effective 6/28/82]

[Filed 5/20/83, Notice 4/13/83—published 6/8/83, effective 7/13/83]

[Filed emergency 6/3/83—published 6/22/83, effective 7/1/83]

[Filed 11/4/83, Notice 8/31/83—published 11/23/83, effective 1/1/84]

[Filed without Notice 7/27/84—published 8/15/84, effective 9/19/84]

[Filed 5/19/86, Notice 11/6/85—published 6/4/86, effective 7/9/86]

[Filed emergency 9/18/86—published 10/8/86, effective 9/18/86]

[Filed 10/2/87, Notice 8/12/87—published 10/21/87, effective 1/20/88]

[Filed 12/22/88, Notice 10/19/88—published 1/11/89, effective 2/15/89]

[Filed 3/29/91, Notice 11/14/90—published 4/17/91, effective 5/22/91]

[Filed emergency 8/14/92—published 9/2/92, effective 8/14/92]

[Published 6/17/98 to update name and address of board]

[Filed emergency 4/30/99—published 5/19/99, effective 4/30/99]

[Filed 11/24/99, Notice 8/11/99—published 12/15/99, effective 1/19/00]

[Filed 10/12/00, Notice 8/23/00—published 11/1/00, effective 12/6/00]

[Filed 11/21/01, Notice 5/30/01—published 12/12/01, effective 1/16/02]

[Filed 4/12/02, Notice 3/6/02—published 5/1/02, effective 6/5/02]

[Filed 4/26/02, Notice 1/9/02—published 5/15/02, effective 6/19/02]

[Filed 10/21/05, Notice 2/16/05—published 11/9/05, effective 12/14/05]

[Filed 7/27/06, Notice 6/7/06—published 8/16/06, effective 9/20/06]

[Filed 10/6/06, Notice 3/15/06—published 10/25/06, effective 11/29/06]

[Filed 10/31/08, Notice 4/9/08—published 11/19/08, effective 12/24/08]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 1899C (Notice ARC 1563C, IAB 8/6/14), IAB 3/4/15, effective 4/8/15]



## CHAPTER 39 UNIVERSAL SERVICE

**199—39.1(476) Authority and purpose.** These rules relate to the board's designation of telecommunications carriers as eligible to receive support from the federal universal service fund and are prescribed by the board pursuant to Iowa Code sections 17A.4, 476.2, 476.15 and 476.102 and 47 U.S.C. §§ 214(e) and 254. These rules are intended to preserve and advance universal service by implementing the board's authority to designate eligible telecommunications carriers (ETCs). These rules establish procedures for applying for designation as an eligible telecommunications carrier and for relinquishing such designation; adopt service requirements for eligible telecommunications carriers; and establish state certification and reporting requirements consistent with federal requirements.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

**199—39.2(476) Definition of terms.** For the purposes of the board's implementation of federal universal service fund requirements, the following definitions apply. Whenever a reference in this chapter is made to provisions found in 47 CFR Part 36, 51 or 54, that reference includes any amendment through April 8, 2015.

*"Competitive eligible telecommunications carrier"* means a carrier that meets the definition of an "eligible telecommunications carrier" below and does not meet the definition of an "incumbent local exchange carrier" in 47 CFR § 51.5.

*"Connect America fund"* or *"CAF"* means the federal universal service fund, as reformed by the Federal Communications Commission, to phase down and replace support previously provided through high-cost mechanisms, as referenced in 47 CFR §§ 54.304 and 54.312.

*"Eligible telecommunications carrier"* or *"eligible carrier"* means a carrier designated by the board as eligible to receive universal service support pursuant to 47 U.S.C. § 214(e).

*"Facilities"* means any physical components of the telecommunications network that are used in the transmission or routing of the services designated for universal service fund support.

*"Federal poverty guidelines"* means the poverty guidelines updated periodically in the Federal Register by the U.S. Department of Health and Human Services under the authority of 42 U.S.C. § 9902(2).

*"High-cost program"* means the component of the federal universal service fund that includes the following support mechanisms: high-cost loop support, safety net support, safety valve support, local switching support, interstate common line support, high-cost model support, interstate access support, and the connect America fund, which includes funding to support and advance networks that provide voice and broadband services, both fixed and mobile.

*"High-cost support"* means those support mechanisms in existence as of October 1, 2011, specifically, high-cost loop support, safety net additive support and safety valve support provided pursuant to 47 CFR Part 36, Subpart F; local switching support pursuant to 47 CFR § 54.301; forward-looking support pursuant to 47 CFR § 54.309; interstate access support pursuant to 47 CFR §§ 54.800 through 54.809; interstate common line support pursuant to 47 CFR §§ 54.901 through 54.904; support provided pursuant to 47 CFR §§ 51.915, 51.917, and 54.304; support provided to competitive eligible telecommunications carriers as set forth in 47 CFR § 54.307(e); connect America fund support provided pursuant to 47 CFR § 54.312; and mobility fund support provided pursuant to 47 CFR Part 54, Subpart L.

*"Lifeline-only ETC"* means a telecommunications carrier that seeks limited designation as an ETC only to participate in the Lifeline program.

*"Lifeline program"* means the federal universal service program providing support for low-income consumers that is defined in 47 CFR § 54.401 to mean a nontransferable retail service offering (1) for which qualifying low-income consumers pay reduced charges as a result of application of the Lifeline support amount described in 47 CFR § 54.403, and (2) which provides qualifying low-income consumers with voice telephony service as defined in 47 CFR § 54.101(a).

*“Mobility fund”* means the wireless component of the connect America fund which provides support for the extension of mobile broadband networks in otherwise unserved areas.

*“National Lifeline accountability database”* means the electronic system, with associated functions, processes, policies and procedures, to facilitate the detection and elimination of duplicative support, as directed by the Federal Communications Commission and as defined in 47 CFR § 54.400.

*“Qualifying low-income consumer”* means a consumer who meets the qualifications for Lifeline as specified in 47 CFR § 54.409.

*“Tribal Link Up”* means an assistance program for eligible residents of tribal lands seeking telecommunications service from a telecommunications carrier that is receiving high-cost support on tribal lands, that provides a reduction of the customary charge for commencing telecommunications service for a single telecommunications connection at a subscriber’s principal place of residence and a deferred schedule of payments of the customary charge for commencing telecommunications service as defined in 47 CFR § 54.413(a).

*“Voice telephony service”* means the service designated by the Federal Communications Commission at 47 CFR § 54.101 as eligible for support by the federal universal service support mechanisms. “Voice telephony service” is service which provides:

1. Voice grade access to the public switched network or its functional equivalent;
2. Minutes of use for local service at no additional charge to end users;
3. Access to the emergency services provided by local government or other public safety organizations, such as 911 and enhanced 911, to the extent the local government in an eligible carrier’s service area has implemented 911 or enhanced 911 systems; and
4. Toll limitation services to qualifying low-income consumers as provided in 47 CFR Part 54, Subpart E.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

### **199—39.3(476) Applying for designation as an eligible telecommunications carrier.**

**39.3(1)** A telecommunications carrier must be designated as an ETC to qualify for support from the federal universal service fund. The Iowa utilities board reviews applications for designation as an ETC for compliance with 47 U.S.C. § 214(e)(1) and grants ETC designations to qualified applicants for a service area designated by the board. If an applicant requests an expedited ruling from the board on an application to be designated as an ETC or on an amendment to an existing ETC designation, the applicant shall specify why an expedited process is necessary and why an expedited review would not be contrary to the public interest.

**39.3(2)** An application for an ETC designation must contain the following:

- a. Where an applicant offers more than one type of communications service, a clear statement of which entity is requesting the designation.
- b. A clear statement of the purposes for which the designation is sought, and a statement of financial and technical qualification to provide the supported service. An applicant shall specify whether designation is sought for purposes of receiving support from the high-cost fund or mobility fund; for Lifeline purposes only; or other specified purpose recognized by the Federal Communications Commission (FCC).
- c. A certification that the applicant offers or intends to offer all services designated for support throughout the applicant’s approved service area. The services designated for support are identified in 47 CFR § 54.101.
- d. An explanation of how the carrier will provide voice telephony service as defined in 199—39.2(476) and 47 CFR § 54.101.
- e. A certification that the applicant offers or intends to offer the supported services either using its own facilities or a combination of its own facilities and resale of another carrier’s services. “Own facilities” includes unbundled network elements, in whole or in part. The facilities providing the services supported by the universal service fund need not be physically located in the area served. Wireless resellers shall provide the name of the facilities-based wireless carrier(s) whose services they are reselling and demonstrate they have an agreement with the carrier(s) in Iowa that will cover the

applicant's proposed designated service area. Except for wireless resellers seeking ETC designation for Lifeline purposes only that have obtained FCC approval of a compliance plan and committed to certain 911 conditions, the board will not designate as an eligible telecommunications carrier a carrier that offers the services supported by federal universal service support mechanisms exclusively through the resale of another carrier's services.

*f.* A description of how the applicant advertises the availability of supported services and the charges therefor using media of general distribution.

*g.* A detailed description, including a map or maps, of the geographic service area for which the applicant requests an ETC designation from the board. Wireless telecommunications carriers, defined as commercial mobile radio service providers in 47 CFR Parts 20 and 24, shall file coverage area maps and maps that depict signal strength. Requests to withhold from public inspection maps depicting signal strength will be deemed granted as provided in 199—paragraph 1.9(5) “c.”

*h.* Where the application is from a carrier seeking a designation as an ETC for an area served by a rural telephone company as defined in 47 CFR § 51.5, a demonstration that the requested designation is in the public interest.

*i.* A five-year plan that describes with specificity proposed improvements or upgrades to the applicant's network throughout its proposed service area. Each applicant shall estimate the area and population that will be served as a result of the improvements. Applicants seeking designation only for purposes of receiving support from the Lifeline program are not required to submit a network improvement plan.

*j.* An affirmative statement explaining how the applicant will remain functional in emergency situations. The statement shall include examples illustrating that the applicant has a reasonable amount of back-up power to ensure functionality without an external power source, is able to reroute traffic around damaged facilities, and is capable of managing traffic spikes resulting from emergency situations.

*k.* A certification that the applicant will comply with the service requirements applicable to the support that it seeks to receive.

*l.* A certification that the applicant will satisfy applicable consumer protection and service quality standards. Wireless ETC applicants shall commit to complying with the following minimum consumer protection standards:

(1) Disclose rates and terms of service to consumers. For each service plan offered to new consumers, wireless carriers will disclose to consumers at point of sale and on their Web sites at least the following information, as applicable: (a) the coverage area for the service; (b) any activation or initiation fee; (c) the monthly access fee or base charge; (d) the amount and nature of any voice, messaging, or data allowances included in the plan (such as night and weekend minutes); (e) the charges for domestic usage in excess of any included allowances or outside of the coverage area; (f) for prepaid service plans, the period of time during which any balance is available for use; (g) whether there are prohibitions on data service usage and whether there are network management practices that will have a material impact on the customer's wireless data experience; (h) whether any additional taxes, fees or surcharges apply; (i) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (j) the amount or nature of any late payment fee; (k) whether a fixed-term contract is required and its duration; (l) the amount and nature of any early termination fee that may apply; and (m) the trial period during which a consumer may cancel service without any early termination fee, as long as the consumer complies with any applicable return policy.

(2) Make available maps showing where service is generally available. Wireless carriers will make available at point of sale and on their Web sites maps depicting approximate domestic coverage applicable to each of their service plans currently offered to consumers. To enable consumers to make comparisons among carriers, these maps will be generated using generally accepted methodologies and standards to depict the carrier's outdoor coverage. All such maps will contain or link to an appropriate legend concerning limitations or variations, or both, in wireless coverage and map usage, including any geographic limitations on the availability of any services included in the plan. Wireless carriers will periodically update such maps as necessary to keep them reasonably current. If necessary to show the extent of service coverage available to customers from carriers' roaming partners, carriers will request

from roaming partners and incorporate coverage maps that are generated using similar industry-accepted criteria, or if such information is not available, incorporate publicly available information regarding roaming partners' coverage areas.

(3) Provide contract terms to customers and confirm changes in service. When a customer initiates new service or a change in existing service, the carrier will provide or confirm any new material terms and conditions of the ongoing service with the customer.

(4) Allow a trial period for new service. When a customer initiates postpaid service with a wireless carrier, the customer will be informed of and given a period of not less than 14 days to try out the service. The carrier will not impose an early termination fee if the customer cancels service within this period, provided that the customer complies with applicable return policies and exchange policies. Other charges, including usage charges, may still apply.

(5) Provide specific disclosures in advertising. In advertising of prices for wireless service plans or devices, wireless carriers will disclose material charges and conditions related to the advertised prices and services, including if applicable and to the extent the advertising medium reasonably allows: (a) whether activation or initiation fees apply; (b) monthly access fees or base charges; (c) the amount and nature of any voice, messaging, or data service allowances included in the plan; (d) the charges for any domestic usage in excess of any included allowances or outside of the coverage area; (e) for prepaid service plans, the period of time during which any balance is available for use; (f) whether there are network management practices that will have a material impact on the customer's wireless data experience; (g) whether any additional taxes, fees or surcharges apply; (h) the amount or range of any such fees or surcharges that are collected and retained by the carrier; (i) whether a fixed-term contract is required and its duration; (j) early termination fees; (k) the terms and conditions related to receiving a product or service for "free"; (l) for any service plan advertised as "nationwide" (or using similar terms), the carrier will have available substantiation for this claim; and (m) whether prices or benefits apply only for a limited time or promotional period and, if so, whether any different fees or charges will apply for the remainder of the contract term.

(6) Separately identify carrier charges from taxes on billing statements. On customers' bills, carriers will distinguish (a) monthly charges for service and features, and other charges collected and retained by the carrier, from (b) taxes, fees and other charges collected by the carrier and remitted to federal, state or local governments. Carriers will not label cost recovery fees or charges as taxes.

(7) Provide customers the right to terminate service for changes to contract terms. Carriers will not modify the material terms of their postpaid customers' contracts in a manner that is materially adverse to those customers without providing a reasonable advance notice of a proposed modification and allowing those customers a time period of not less than 14 days to cancel their contracts with no early termination fee.

(8) Provide ready access to customer service. Customers will be provided a toll-free telephone number to access a carrier's customer service during normal business hours. Customer service contact information will be provided to customers online and on billing statements. Each wireless carrier will provide information about how customers can contact the carrier in writing, by toll-free telephone number, via the Internet or otherwise with any inquiries or complaints, and this information will be included, at a minimum, on all billing statements, in written responses to customer inquiries and on carriers' Web sites. Each carrier will also make such contact information available, upon request, to any customer calling the carrier's customer service departments.

(9) Promptly respond to consumer inquiries and complaints received from government agencies. Inquiries for information or complaints to a wireless ETC shall be resolved promptly and courteously. If a wireless ETC cannot resolve a dispute with the applicant or customer, the wireless ETC shall inform the applicant or customer of the right to file a complaint with the board. The wireless ETC shall provide the following board address and toll-free telephone number: Iowa Utilities Board, Customer Service, 1375 E. Court Avenue, Room 69, Des Moines, Iowa 50319-0069; 1-877-565-4450. When the board receives a complaint, the procedures set out in 199—Chapter 6, "Complaint Procedures," shall be followed to enforce the minimum consumer protection standards in paragraph 39.3(2) "1." When the board receives a complaint alleging the addition or deletion of a product or service for which a separate

charge is made to a customer account without the verified consent of the customer, the complaint shall be processed by the board pursuant to 199—Chapter 6. In any complaint proceeding pursuant to this subparagraph, if the wireless ETC asserts that the complainant is located in an area where the wireless ETC is not designated as an ETC, the wireless ETC must submit evidence in support of its assertion.

(10) Abide by policies for protection of customer privacy. Each wireless carrier will abide by a policy regarding the privacy of customer information in accordance with applicable federal and state laws, and will make available to the public its privacy policy concerning information collected online. Each wireless carrier will abide by the Cellular Telecommunications and Internet Association's Best Practices and Guidelines for Location-Based Services.

(11) Provide consumers with free notifications for voice, data and messaging usage, and international roaming. Each wireless provider will provide, at no charge: (a) a notification to consumers of currently offered and future domestic wireless plans that include limited data allowances when consumers approach and exceed their allowance for data usage and will incur overage charges; (b) a notification to consumers of currently offered and future domestic voice and messaging plans that include limited voice and messaging allowances when consumers approach and exceed their allowance for those services and will incur overage charges; and (c) a notification to consumers without an international roaming plan/package whose devices have registered abroad and who may incur charges for international usage. Wireless providers will generate the notifications described above to postpaid consumers based on information available at the time the notification is sent. Wireless consumers will not have to affirmatively sign up in order for these notifications to be sent. Wireless providers will clearly and conspicuously disclose tools or services that enable consumers to track, monitor or set limits on voice, messaging and data usage.

(12) Abide by the mobile wireless device unlocking standards established in the Cellular Telecommunications and Internet Association's Consumer Code for Wireless Service.

*m.* For applications from wireless carriers seeking designation as an ETC, a certification that the wireless carrier will contribute to the dual party relay service, as provided in Iowa Code section 477C.7(2) "a."

*n.* For applications from carriers seeking designation as an ETC for any part of tribal lands, the applicant shall provide a copy of its application to the affected tribal government and tribal regulatory authority at the time it files the application with the board.

**39.3(3)** Amendments to ETC designations. ETCs may request that the board amend an existing ETC designation as provided in the following situations. Where the board approves of the amendment, the board will issue an order amending the designation.

*a. Asset transactions between ETCs other than Lifeline-only ETCs.* Where a telecommunications carrier that has been designated by the board as an ETC, other than a Lifeline-only ETC, acquires another carrier with an ETC designation, through an acquisition involving a sale or transfer of assets, and the acquiring carrier intends to serve as an ETC in the newly acquired service area, the acquiring carrier shall notify the board of the acquisition and certify that the acquiring carrier intends to amend its designation to assume the acquired carrier's ETC obligations. The certification also shall indicate whether the acquiring carrier intends to adopt the network improvement plan of the acquired carrier. The notice of acquisition and certification shall be filed at least 90 days before the acquired carrier discontinues service. Where the acquisition involves a discontinuance of service by an incumbent local exchange carrier, the required notice and certification may be included with or as part of the acquired carrier's application for discontinuance of service filed pursuant to Iowa Code section 476.20. The acquired carrier shall comply with the requirements for relinquishing an ETC designation in 199—39.8(476).

*b. Asset transactions between Lifeline-only ETCs.* Where a telecommunications carrier that has been designated by the board as a Lifeline-only ETC acquires another carrier that has been designated by the board as a Lifeline-only ETC through an acquisition involving a sale or transfer of assets, and the acquiring carrier intends to serve as a Lifeline-only ETC in the newly acquired service area, the acquiring carrier shall notify the board of the acquisition and certify that the acquiring carrier intends to amend its designation to assume the acquired carrier's ETC obligations. The notice and certification shall be filed

using the carriers' ETA docket numbers at least 90 days before the acquired carrier will cease providing Lifeline service. The filing shall include copies of relevant documents filed with the FCC. The acquired carrier shall comply with the requirements for relinquishing an ETC designation in 199—39.8(476).

*c. Non-ETC acquires an ETC.* Where an entity that has not been designated by the board as an ETC acquires a telecommunications carrier that has been designated by the board as an ETC, and the acquiring entity intends to serve as an ETC in the newly acquired service area, the acquiring entity shall file with the board an application for designation as an ETC as provided in this rule. The acquired carrier shall comply with the requirements for relinquishing an ETC designation in 199—39.8(476).

*d. Other amendments.* Where a telecommunications carrier that has been designated by the board as an ETC intends to serve as an ETC in a new service area for the purpose of receiving support from the CAF Phase II auction or for other similar purpose, or after a telecommunications carrier has acquired a new service area pursuant to a transaction not subject to the provisions of Iowa Code section 476.20, the carrier shall file a notice of expansion or acquisition 30 days in advance of the expansion or acquisition and shall certify that the carrier intends to amend its designation to serve as an ETC in the expanded service area.

*e. Transfer of control transactions.* Where a carrier that has been designated by the board as an ETC is acquired through an acquisition involving a direct or indirect transfer of control, including through a purchase of stock or other equity interests, merger, share exchange or similar transaction in which neither the legal existence of the acquired carrier nor ownership of its assets is altered, the acquiring carrier shall file with the board a notice of the transfer of control 30 days in advance of the transfer of control. The notice shall be filed using an "M" docket designation. The board will acknowledge receipt of the notice by letter. Following a transfer of control, the ETC designation and ETC obligations of the acquired carrier shall continue without amendment or modification, unless the acquired carrier complies with the requirements for relinquishing an ETC designation in 199—39.8(476). For purposes of this rule, any merger, share exchange or similar transaction in which the legal existence of the acquired carrier or ownership of its assets is altered will be deemed to be an acquisition involving a sale or transfer of assets and not a transfer of control.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

**199—39.4(476) Lifeline-only applicants.** Where an applicant is seeking designation only for purposes of receiving support from the Lifeline program, the following requirements apply in addition to those specified in 199—39.3(476):

**39.4(1) Approved compliance plan required.** The applicant shall submit a copy of a compliance plan submitted to the Federal Communications Commission and a copy of the Commission's notice of approval.

**39.4(2) Terms and conditions of voice telephony service offered to Lifeline subscribers.** The applicant shall submit information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, including details on the number of minutes provided as part of the plan, additional charges, if any, for toll calls, and rates for such plan. To the extent the applicant offers to Lifeline subscribers plans that are generally available to the public, the applicant may provide summary information regarding such plans, such as a link to a public Web site outlining the terms and conditions of such plans.

**39.4(3) Demonstration of financial and technical capability to provide supported services.** The applicant shall demonstrate that it is financially and technically capable of providing the supported Lifeline service in compliance with 47 CFR Subchapter B, Part 54, Subpart E, as required by 47 CFR § 54.201(h). Relevant considerations include, but are not limited to, how long the carrier has been in business, whether the applicant intends to rely exclusively on universal service fund disbursements to operate, whether the applicant receives or will receive revenue from other sources, and whether the applicant has been subject to enforcement action or ETC revocation proceedings in any state.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

**199—39.5(476) Service area.**

**39.5(1)** Unless otherwise ordered by the board, the approved service area for universal service fund support calculations will be the same as the service area currently approved for local service by the board. Those carriers not currently approved to provide local service are required to provide documentation showing their service area.

**39.5(2)** In the case of a service area served by a rural telephone company, “service area” means such company’s “study area” unless and until the FCC and the states, after taking into account recommendations of a federal-state joint board instituted under Section 410(c) of the Telecommunications Act of 1996, establish a different definition of service area for such company.

**39.5(3)** In the case of a wireless telecommunications carrier, “service area” means that area where the wireless company has been licensed by the FCC to provide service.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

**199—39.6(476) Universal service support for low-income consumers (Lifeline program and Tribal Link Up program).**

**39.6(1)** *Carrier obligation to offer Lifeline.* Pursuant to 47 CFR § 54.405, which specifies the Lifeline obligations of eligible telecommunications carriers, all eligible telecommunications carriers must make available Lifeline service, as defined in 47 CFR § 54.401, to qualifying low-income consumers, defined as consumers who meet the qualifications for Lifeline as specified in 47 CFR § 54.409.

**39.6(2)** *Customer notification.* Eligible telecommunications carriers shall include a description of their Lifeline offerings or discounts in their residential service agreements. Eligible telecommunications carriers shall provide the board with information about their residential service agreements upon request. Eligible telecommunications carriers shall publicize the availability of Lifeline service in a manner reasonably designed to reach those likely to qualify for service as required by 47 CFR § 54.405(b).

**39.6(3)** *Consumer qualification for Lifeline.* To constitute a qualifying low-income consumer, a consumer’s household income as defined in 47 CFR § 54.400(f) and (h) must be at or below 135 percent of the federal poverty guidelines for a household of that size or such percentage as may be determined by the FCC or the consumer, one or more of the consumer’s dependents, or the consumer’s household must participate in one of the following federal assistance programs: Medicaid; Supplemental Nutrition Assistance Program; Supplemental Security Income; Federal Public Housing Assistance (Section 8); Low-Income Home Energy Assistance Program; National School Lunch Program’s free lunch program; or Temporary Assistance for Needy Families. A consumer who lives on tribal lands is eligible for Lifeline service as a qualifying low-income consumer if the consumer meets the qualifications for Lifeline specified in 47 CFR § 54.409(a) or if the consumer, one or more of the consumer’s dependents, or the consumer’s household participates in one of the following tribal-specific federal assistance programs specified in 47 CFR § 54.409(b): Bureau of Indian Affairs general assistance; tribally administered Temporary Assistance for Needy Families; Head Start (only those households meeting its income qualifying standard); or the Food Distribution Program on Indian Reservations. A consumer may only receive Lifeline service from one telephone provider per household.

**39.6(4)** *Determination of subscriber eligibility.* Iowa eligible telecommunications carriers are responsible for establishing consumer eligibility for Lifeline assistance. Iowa eligible telecommunications carriers shall ensure that their Lifeline subscribers are eligible to receive Lifeline services in accordance with 47 CFR § 54.410. Eligible telecommunications carriers shall:

*a.* Implement policies and procedures for ensuring that their Lifeline subscribers are eligible to receive Lifeline services;

*b.* Confirm a subscriber’s income-based or program-based eligibility according to 47 CFR § 54.410(b) or (c);

*c.* Provide prospective subscribers Lifeline certification forms that comply with 47 CFR § 54.410(d); and

*d.* Recertify all subscribers’ Lifeline eligibility annually and at 90-day intervals (where subscribers have provided a temporary address) in accordance with 47 CFR § 54.410(f) and (g).

**39.6(5) *Annual certifications by eligible telecommunications carriers.*** Eligible telecommunications carriers shall make and submit to the Universal Service Administrative Company (USAC) annual certifications relating to the Lifeline program as required by 47 CFR § 54.416. Eligible telecommunications carriers shall file their annual Lifeline certifications with the board as provided in 39.7(1) “a” and, if applicable, with the relevant tribal governments.

**39.6(6) *Tribal Link Up.*** A telecommunications carrier receiving high-cost support on tribal lands that is offering the Tribal Link Up assistance program, as defined in 199—39.2(476), to eligible residents of tribal lands, as defined in 47 CFR § 54.400(e), must provide (1) a 100 percent reduction of the customary connection charge for commencing service at a subscriber’s residence, and (2) a deferred schedule of interest-free payments for the connection charge, pursuant to 47 CFR § 54.413. Prior to enrolling an eligible resident of tribal lands in the Tribal Link Up program, an ETC must obtain from the resident a certification form that complies with 47 CFR § 54.410.

**39.6(7) *Audits.*** Eligible telecommunications carriers shall file with the board finalized reports of audits involving the audited ETC’s operations in Iowa conducted pursuant to 47 CFR § 54.420 requiring low-income program audits. The audit reports will not be considered or deemed confidential. The audit reports shall be filed with the board within 30 days of issuance of the final audit report.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

### **199—39.7(476) Schedule of filings.**

#### **39.7(1) *Annual Lifeline compliance certifications.***

*a. FCC Form 555.* On or before January 31 of each year, or other date established by the Federal Communications Commission, each carrier designated by the board as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) shall file with the board the carrier’s certification of compliance with federal Lifeline rules filed with the Federal Communications Commission and the Universal Service Administrative Company pursuant to 47 CFR § 54.416 using FCC Form 555.

*b. Filing instructions.* FCC Form 555 shall be filed using the board’s electronic filing system in accordance with 199—Chapter 14, unless the board directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Annual Lifeline Eligible Telecommunications Carrier Certification,” with a reference to the year for which the certification is filed. The document title for the FCC form shall be “FCC Form 555 Filing.” The board’s records and information center will assign each filing an FLR docket number, signifying “Federal Lifeline Report.” The annual Lifeline compliance certifications are not subject to protection from public disclosure.

**39.7(2) *Annual eligible recovery certifications.*** On or before the date on which carriers file their access tariffs with the FCC, each price cap and rate-of-return carrier designated by the board as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) shall file with the board certifications of eligible recovery amounts as follows, as required by 47 CFR § 54.304(c) and (d).

*a. Price cap carriers.* Each price cap carrier designated by the board as an ETC shall file with the board the carrier’s certification to the FCC and USAC regarding the connect America fund intercarrier compensation support amount the carrier is eligible to recover pursuant to 47 CFR § 51.915 and the certification that the carrier is not seeking duplicative recovery in Iowa for any eligible recovery subject to the federal recovery mechanisms.

*b. Rate-of-return carriers.* Each rate-of-return carrier designated by the board as an ETC shall file with the board the carrier’s certification to the FCC and USAC regarding the connect America fund intercarrier compensation support amount the carrier is eligible to recover pursuant to 47 CFR § 51.917 and the certification that the carrier is not seeking duplicative recovery in Iowa for any eligible recovery subject to the federal recovery mechanisms.

*c. Filing instructions.* The annual eligible recovery certifications shall be filed using the board’s electronic filing system in accordance with 199—Chapter 14, unless the board directs otherwise by order issued in advance of the filing deadline. The filing shall be titled “Connect America Fund – Intercarrier Compensation Recovery and Certification,” with a reference to the year for which the certification is filed. The document title for the FCC form shall be “Annual Reporting Requirements for Section 54.304.”



The board's records and information center will assign each filing an "ETR" docket number, signifying "Eligible Telecommunications Carrier Report."

*d. Confidential information.*

(1) Requests to withhold from public inspection revenue recovery amounts and loop or line count data will be deemed granted as provided in 199—paragraph 1.9(5) "c."

(2) If a carrier considers other information filed on or with the annual Section 54.304 report to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—subrule 1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with the Section 54.304 report is based on a protective order issued by the FCC, the carrier's request for confidential treatment shall include a reference to the relevant protective order.

**39.7(3) Annual reporting requirements.**

*a. FCC Form 481.* On or before July 1 of each year, or other date established by the Federal Communications Commission, each carrier designated by the board as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) shall file with the board the carrier's annual report filed with the FCC pursuant to 47 CFR § 54.313 (for ETCs receiving high-cost support), or 47 CFR § 54.422(a) (for ETCs receiving Lifeline support only), using FCC Form 481 or such other form designated by the FCC as the form for the annual report for ETCs.

*b. FCC Form 690.* On or before July 1 of each year, or other date established by the Federal Communications Commission, each carrier designated by the board as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) and that receives mobility fund support shall file with the board the carrier's annual report filed with the FCC pursuant to 47 CFR § 54.1009.

*c. Annual certifications from carriers seeking to continue to receive high-cost support.* Any carrier seeking to continue to receive federal high-cost universal service support shall file with the board no later than July 1 of each year an affidavit titled "Certification of [Company Name]." The company name shall be the name used on the carrier's initial application for ETC designation and its current name, if its name has changed.

(1) Contents of affidavit. The affidavit shall include the study area code (SAC) number associated with the company. The affidavit shall be sworn and notarized and shall be executed by an authorized corporate officer. The affidavit shall certify that the carrier has used and will use the high-cost support the carrier receives pursuant to 47 CFR Subchapter B, Part 54, Subparts D and L, and as defined in 47 CFR § 54.5, only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. In addition, the affidavit shall certify that the carrier has complied with and will continue to comply with applicable service quality standards and consumer protection rules, certify that the carrier has a reasonable amount of back-up power to ensure functionality without an external power source, certify that the carrier is offering a local usage plan comparable to that offered by the incumbent local exchange carrier in the relevant service areas, and certify that the carrier acknowledges that the FCC may require it to provide equal access to long distance carriers in the event that no other eligible carrier is providing equal access within the ETC's designated service area. The affidavit shall also certify to the following: as an eligible telecommunications carrier, the carrier agrees to provide timely responses to board requests for information related to the status of local voice service markets or facilities.

(2) Certifications subject to complaint or investigation. Any certification filed by a carrier shall be subject to complaint or investigation by the board.

(3) State certification of eligibility. An ETC's certification shall be the basis of the board's certification to the FCC and USAC pursuant to 47 CFR § 54.314 that the ETC has used and will use the support for the purposes intended.

*d. Progress reports and extensions on previously filed two-year network improvement and maintenance plans.* In addition to any network improvement plans and associated progress reports required by 47 CFR § 54.313, competitive ETCs whose universal service support is being phased down must file with the board progress reports and extensions on previously filed two-year network improvement and maintenance plans during the phase-down period. Each competitive ETC subject to this requirement shall file a rolling one-year extension and a progress report on its network improvement

and maintenance plan detailing the prior calendar year's activities. The progress report shall include coverage area maps detailing progress toward plan targets, an explanation of how much universal service support was received, and how the support was used to improve signal quality, coverage, or capacity. If support was used for something other than improving signal quality, coverage, or capacity, the report shall include an explanation of how the support was used. The report shall identify any network improvement targets that have not been met and shall include an explanation of why targets were not met. The report shall indicate if there have not been any changes to the ETC's coverage area and shall include an explanation of why no changes were made. Any reporting of expense and investment information shall include an explanation of how the expenses and investments benefited specific wire centers in the ETC's designated service area. For purposes of this paragraph, "wire center" shall be defined as determined by the North American numbering plan administrator.

*e. Filing instructions for annual report filings.* FCC Form 481 (including rate floor data filed pursuant to 47 CFR § 54.313(h)), the affidavit certifying compliance, any required network improvement plan progress report and extension, and FCC Form 690 shall be filed using the board's electronic filing system in accordance with 199—Chapter 14, unless the board directs otherwise by order issued in advance of the filing deadline. The filing shall be titled "Annual Eligible Telecommunications Carrier Reporting Requirements," with a reference to the year for which the report is filed. The document title for the FCC form shall be "FCC Form 481 Filing" or "FCC Form 690 Filing," as appropriate. The document title for the affidavit certifying compliance shall be "Carrier Certification." The document title for any required network improvement plan report shall be "Network Improvement Plan Report." The board's records and information center will assign each filing an FER docket number, signifying "Federal ETC Report," and indicating the year of filing and the carrier's company number.

*f. Confidential information.*

(1) Requests to withhold from public inspection network improvement and maintenance plan extensions and progress reports, financial reports, and loop or line count data included in the rate floor data reports included in the annual report filings will be deemed granted as provided in 199—paragraph 1.9(5) "c."

(2) If a carrier considers other information filed on or with FCC Form 481 to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with FCC Form 481 is based on a protective order issued by the FCC, the carrier's request for confidential treatment shall include a reference to the relevant protective order.

#### **39.7(4) Rate floor data updates.**

*a.* On or before January 2 of each year, or other date established by the FCC, each carrier designated by the board as an eligible telecommunications carrier pursuant to 47 U.S.C. § 214(e) that is subject to the FCC's mandatory rate floor data reporting requirements in 47 CFR § 54.313(h)(2) shall file with the board the rate floor data update filed with the FCC. Carriers that elect to file rate floor data updates with the FCC shall also file the updates with the board.

*b.* Filing instructions for rate floor data updates. The rate floor data updates shall be filed using the board's electronic filing system in accordance with 199—Chapter 14, unless the board directs otherwise by order issued in advance of the filing deadline. The filing shall be titled "FCC Section 54.313(h)(2) Rate Floor Data Update," with a reference to the year for which the update is filed. The document title for the report shall be "Rate Floor Data Update." The board's records and information center will assign each filing an FER docket number, signifying "Federal ETC Report" and indicating the year of filing and the carrier's company number.

*c.* Confidential information.

(1) Requests to withhold from public inspection loop or line count data submitted as part of a rate floor data update will be deemed granted as provided in 199—paragraph 1.9(5) "c."

(2) If a carrier considers other information filed on or with a rate floor data update to be confidential, the carrier shall file both a public version and a confidential version of the material pursuant to 199—14.12(17A,476), and a separate request for confidential treatment pursuant to 199—subrule

1.9(22) and Iowa Code section 22.7. Where a request for confidential treatment of information filed on or with a rate floor data update is based on a protective order issued by the FCC, the carrier's request for confidential treatment shall include a reference to the relevant protective order.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

**199—39.8(476) Relinquishment of ETC designation.**

**39.8(1)** The board may permit an eligible telecommunications carrier to relinquish its designation as such a carrier in any area served by more than one eligible telecommunications carrier. An eligible telecommunications carrier that seeks to relinquish its eligible telecommunications carrier designation for an area served by more than one eligible telecommunications carrier shall give 90 days' advance notice to the board of such relinquishment.

**39.8(2)** Prior to permitting a telecommunications carrier designated as an eligible telecommunications carrier to cease providing universal service in an area served by more than one eligible telecommunications carrier, the board shall require the remaining eligible telecommunications carrier or carriers to ensure that all customers served by the relinquishing carrier will continue to be served and shall require sufficient notice to permit the purchase or construction of adequate facilities by any remaining eligible telecommunications carrier. The board shall establish a time, not to exceed one year after the board approves such relinquishment under this rule, within which such purchase or construction shall be completed.

[ARC 1899C, IAB 3/4/15, effective 4/8/15]

These rules are intended to implement Iowa Code sections 17A.4, 476.2, 476.15, and 476.102 and 47 U.S.C. Section 214(e).

[Filed emergency 9/5/97—published 9/24/97, effective 9/5/97]

[Filed emergency 12/11/97 after Notice 10/8/97—published 12/31/97, effective 1/1/98]

[Filed 1/8/98, Notice 9/24/97—published 1/28/98, effective 3/4/98]

[Filed emergency 12/19/01—published 1/9/02, effective 12/19/01]

[Filed 6/4/04, Notice 9/17/03—published 6/23/04, effective 7/28/04]

[Filed emergency 8/27/04—published 9/15/04, effective 8/27/04]

[Filed 4/22/05, Notice 3/2/05—published 5/11/05, effective 6/15/05]

[Filed 10/21/05, Notice 3/16/05—published 11/9/05, effective 12/14/05]

[Filed 10/6/06, Notice 3/15/06—published 10/25/06, effective 11/29/06]

[Editorial change: IAC Supplement 12/29/10]

[Filed ARC 1899C (Notice ARC 1563C, IAB 8/6/14), IAB 3/4/15, effective 4/8/15]



**HUMAN SERVICES DEPARTMENT[441]**

Rules transferred from Social Services Department[770] to Human Services Department[498],  
see 1983 Iowa Acts, Senate File 464, effective July 1, 1983.

Rules transferred from agency number [498] to [441] to conform with the reorganization  
numbering scheme in general, IAC Supp. 2/11/87.

## TITLE I

## GENERAL DEPARTMENTAL PROCEDURES

## CHAPTER 1

## DEPARTMENTAL ORGANIZATION AND PROCEDURES

- 1.1(17A) Director
- 1.2(17A) Council
- 1.3(17A) Organization at state level
- 1.4(17A) Field operations structure
- 1.5 Reserved
- 1.6(17A) Mental health and developmental disabilities commission
- 1.7(17A) Governor's developmental disabilities council (governor's DD council)
- 1.8(17A,217) Waivers of administrative rules (hereinafter referred to as exceptions to policy)
- 1.9 Reserved
- 1.10(17A,514I) HAWK-I board

## CHAPTER 2

CONTRACTING OUT DEPARTMENT OF HUMAN SERVICES  
EMPLOYEES AND PROPERTY

- 2.1(23A,225C) Definitions
- 2.2(23A,225C) Contracts for use of the services of department employees
- 2.3(23A,225C) Contract provisions
- 2.4(23A,225C) Leasing of space at state institutions
- 2.5(23A,225C) Requirements prior to leasing

## CHAPTER 3

## DEPARTMENT PROCEDURE FOR RULE MAKING

- 3.1(17A) Applicability
- 3.2(17A) Advice on possible rules before notice of proposed rule adoption
- 3.3(17A) Public rule-making docket
- 3.4(17A) Notice of proposed rule making
- 3.5(17A) Public participation
- 3.6(17A) Regulatory analysis
- 3.7(17A,25B) Fiscal impact statement
- 3.8(17A) Time and manner of rule adoption
- 3.9(17A) Variance between adopted rule and published notice of proposed rule adoption
- 3.10(17A) Exemptions from public rule-making procedures
- 3.11(17A) Concise statement of reasons
- 3.12(17A) Contents, style, and form of rule
- 3.13(17A) Department rule-making record
- 3.14(17A) Filing of rules
- 3.15(17A) Effectiveness of rules prior to publication
- 3.16(17A) Review by department of rules

## CHAPTER 4

## PETITIONS FOR RULE MAKING

- 4.1(17A) Petition for rule making
- 4.2(17A) Briefs

- 4.3(17A) Inquiries
- 4.4(17A) Agency consideration

## CHAPTER 5 DECLARATORY ORDERS

- 5.1(17A) Petition for declaratory order
- 5.2(17A) Notice of petition
- 5.3(17A) Intervention
- 5.4(17A) Briefs
- 5.5(17A) Inquiries
- 5.6(17A) Service and filing of petitions and other papers
- 5.7(17A) Consideration
- 5.8(17A) Action on petition
- 5.9(17A) Refusal to issue order
- 5.10(17A) Contents of declaratory order—effective date
- 5.11(17A) Copies of orders
- 5.12(17A) Effect of a declaratory order

## CHAPTER 6 Reserved

## CHAPTER 7 APPEALS AND HEARINGS

- 7.1(17A) Definitions
- 7.2 Reserved

### DIVISION I

- 7.3(17A) Presiding officer
- 7.4(17A) Notification of hearing procedures
- 7.5(17A) The right to appeal
- 7.6(17A) Informing persons of their rights
- 7.7(17A) Notice of intent to approve, deny, terminate, reduce, or suspend assistance or deny reinstatement of assistance
- 7.8(17A) Opportunity for hearing
- 7.9(17A) Continuation of assistance pending a final decision on appeal
- 7.10(17A) Procedural considerations
- 7.11(17A) Information and referral for legal services
- 7.12(17A) Subpoenas
- 7.13(17A) Rights of appellants during hearings
- 7.14(17A) Limitation of persons attending
- 7.15(17A) Medical examination
- 7.16(17A) The appeal decision
- 7.17(17A) Exhausting administrative remedies
- 7.18(17A) Ex parte communication
- 7.19(17A) Accessibility of hearing decisions
- 7.20(17A) Right of judicial review and stays of agency action
- 7.21(17A) Food assistance hearings and appeals
- 7.22 Reserved
- 7.23(17A) Contested cases with no factual dispute
- 7.24(17A) Emergency adjudicative proceedings
- 7.25 to 7.40 Reserved

## DIVISION II

## APPEALS BASED ON THE COMPETITIVE PROCUREMENT BID PROCESS

- 7.41(17A) Scope and applicability
- 7.42(17A) Requests for timely filing of an appeal
- 7.43(17A) Bidder appeals
- 7.44(17A) Procedures for bidder appeal
- 7.45(17A) Stay of agency action for bidder appeal
- 7.46(17A) Request for review of the proposed decision
- 7.47(17A) Other procedural considerations
- 7.48(17A) Appeal record
- 7.49(17A) Pleadings
- 7.50(17A) Ex parte communications
- 7.51(17A) Right of judicial review

## CHAPTER 8

## PAYMENT OF SMALL CLAIMS

- 8.1(217) Authorization to reimburse

## CHAPTER 9

PUBLIC RECORDS AND FAIR  
INFORMATION PRACTICES

- 9.1(17A,22) Definitions
- 9.2(17A,22) Statement of policy
- 9.3(17A,22) Requests for access to records
- 9.4(17A,22) Access to confidential records
- 9.5(17A,22) Requests for treatment of a record as a confidential record and its withholding from examinations
- 9.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records
- 9.7(17A,22,228) Consent to disclosure by the subject of a confidential record
- 9.8(17A,22) Notice to suppliers of information
- 9.9(17A,22) Release to subject
- 9.10(17A,22) Use and disclosure without consent of the subject
- 9.11(22) Availability of records
- 9.12(22,252G) Personally identifiable information
- 9.13(217) Distribution of informational materials
- 9.14(17A,22) Special policies and procedures for protected health information
- 9.15(17A,22) Person who may exercise rights of the subject

## CHAPTER 10

## Reserved

## CHAPTER 11

## COLLECTION OF PUBLIC ASSISTANCE DEBTS

- 11.1(217) Definitions
- 11.2(217) Establishment of claim
- 11.3(217) Application of payment
- 11.4(217) Setoff against state income tax refund, rebate, or other state payments, including, for example, state employee wages
- 11.5(234) Setoff against federal income tax refund or other federal payments, including, for example, federal employee wages

## CHAPTER 12 VOLUNTEER SERVICES

- 12.1(234) Definition
- 12.2(234) Allocation of block grant funds
- 12.3(234) Requirements for volunteers
- 12.4(234) Volunteer service programs
- 12.5(234) Services and benefits available to volunteers

## CHAPTER 13 PROGRAM EVALUATION

- 13.1(234,239B,249A) Definitions
- 13.2(234,239B,249A) Review of public assistance records by the department
- 13.3(234,239B,249A) Who shall be reviewed
- 13.4(234,239B,249A) Notification of review
- 13.5(234,239B,249A) Review procedure
- 13.6(234,239B,249A) Failure to cooperate
- 13.7(234,239B,249A) Report of findings
- 13.8(234,239B,249A) Federal rereview

## CHAPTER 14 OFFSET OF COUNTY DEBTS OWED DEPARTMENT

- 14.1(217,234) Definitions
- 14.2(217,234) Identifying counties with liabilities
- 14.3(217,234) List of counties with amounts owed
- 14.4(217,234) Notification to county regarding offset
- 14.5(217,234) Implementing the final decision
- 14.6(217,234) Offset completed

## CHAPTER 15 RESOLUTION OF LEGAL SETTLEMENT DISPUTES

- 15.1(225C) Definitions
- 15.2(225C) Assertion of legal settlement dispute
- 15.3(225C) Response to dispute notification
- 15.4(225C) Contested case hearing
- 15.5(225C) Change in determination

TITLE II  
Reserved

## CHAPTERS 16 to 21 Reserved

TITLE III  
*MENTAL HEALTH*

## CHAPTER 22 AUTISM SUPPORT PROGRAM

- 22.1(225D) Definitions
- 22.2(225D) Eligibility and application requirements
- 22.3(225D) Cost-sharing requirements and graduated schedule of cost sharing
- 22.4(225D) Review of financial eligibility, cost-sharing requirements, exemption from cost sharing, and disenrollment in the program
- 22.5(225D) Initial service authorization and renewal of service authorization
- 22.6(225D) Provider network



- 22.7(225D) Financial management of the program
- 22.8(225D) Appeal

CHAPTER 23  
MENTAL HEALTH AND DISABILITY SERVICES  
REDESIGN TRANSITION FUND

- 23.1(225C,84GA,SF2315) Definitions
- 23.2(225C,84GA,SF2315) Eligibility
- 23.3(225C,84GA,SF2315) Application requirements
- 23.4(225C,84GA,SF2315) Guidelines for the management of transition funds
- 23.5(225C,84GA,SF2315) Allocation of transition funds

CHAPTER 24  
ACCREDITATION OF PROVIDERS OF SERVICES TO PERSONS WITH MENTAL ILLNESS,  
INTELLECTUAL DISABILITIES, OR DEVELOPMENTAL DISABILITIES

DIVISION I  
SERVICES FOR INDIVIDUALS WITH DISABILITIES

- 24.1(225C) Definitions
- 24.2(225C) Standards for policy and procedures
- 24.3(225C) Standards for organizational activities
- 24.4(225C) Standards for services
- 24.5(225C) Accreditation
- 24.6(225C) Deemed status
- 24.7(225C) Complaint process
- 24.8(225C) Appeal procedure
- 24.9(225C) Exceptions to policy
- 24.10 to 24.19 Reserved

DIVISION II  
CRISIS RESPONSE SERVICES

- 24.20(225C) Definitions
- 24.21(225C) Standards for crisis response services
- 24.22(225C) Standards for policies and procedures
- 24.23(225C) Standards for organizational activities
- 24.24(225C) Standards for crisis response staff
- 24.25(225C) Standards for services
- 24.26(225C) Accreditation
- 24.27(225C) Deemed status
- 24.28(225C) Complaint process
- 24.29(225C) Appeal procedure
- 24.30(225C) Exceptions to policy
- 24.31(225C) Standards for individual crisis response services
- 24.32(225C) Crisis evaluation
- 24.33(225C) Twenty-four-hour crisis response
- 24.34(225C) Twenty-four-hour crisis line
- 24.35(225C) Warm line
- 24.36(225C) Mobile response
- 24.37(225C) Twenty-three-hour crisis observation and holding
- 24.38(225C) Crisis stabilization community-based services (CSCBS)
- 24.39(225C) Crisis stabilization residential services (CSRS)
- 24.40(225C) Medication—administration, storage and documentation

## CHAPTER 25 DISABILITY SERVICES MANAGEMENT

### DIVISION I REGIONAL CORE SERVICES

25.1(331)	Definitions
25.2(331)	Core service domains
25.3(331)	Access standards
25.4(331)	Practices
25.5 to 25.10	Reserved

### DIVISION II REGIONAL SERVICE SYSTEM

25.11(331)	Definitions
25.12(331)	Regional governance structure
25.13(331)	Regional finances
25.14(331)	Regional governance agreement
25.15(331)	Eligibility, diagnosis, and functional assessment criteria
25.16(331)	Financial eligibility requirements
25.17(331)	Exempted counties
25.18(331)	Annual service and budget plan
25.19(331)	Annual service and budget plan approval
25.20(331)	Annual report
25.21(331)	Policies and procedures manual for the regional service system
25.22 to 25.40	Reserved

### DIVISION III MINIMUM DATA SET

25.41(331)	Minimum data set
25.42 to 25.50	Reserved

### DIVISION IV INCENTIVE AND EFFICIENCY POOL FUNDING

25.51(77GA, HF2545)	Desired results areas
25.52(77GA, HF2545)	Methodology for applying for incentive funding
25.53(77GA, HF2545)	Methodology for awarding incentive funding
25.54(77GA, HF2545)	Subsequent year performance factors
25.55(77GA, HF2545)	Phase-in provisions
25.56 to 25.60	Reserved

### DIVISION V RISK POOL FUNDING

25.61(426B)	Definitions
25.62(426B)	Risk pool board
25.63(426B)	Application process
25.64(426B)	Methodology for awarding risk pool funding
25.65(426B)	Repayment provisions
25.66(426B)	Appeals
25.67 to 25.70	Reserved

### DIVISION VI TOBACCO SETTLEMENT FUND RISK POOL FUNDING

25.71(78GA, ch1221)	Definitions
25.72(78GA, ch1221)	Risk pool board
25.73(78GA, ch1221)	Rate-setting process
25.74(78GA, ch1221)	Application process
25.75(78GA, ch1221)	Methodology for awarding tobacco settlement fund risk pool funding

25.76(78GA,ch1221) Repayment provisions  
 25.77(78GA,ch1221) Appeals  
 25.78 to 25.80 Reserved

DIVISION VII  
 COMMUNITY MENTAL HEALTH CENTER WAIVER REQUEST

25.81(225C) Waiver request  
 25.82 to 25.90 Reserved

DIVISION VIII  
 CRITERIA FOR EXEMPTING COUNTIES FROM JOINING INTO REGIONS TO ADMINISTER  
 MENTAL HEALTH AND DISABILITY SERVICES

25.91(331) Exemption from joining into mental health and disability services region  
 25.92 to 25.94 Reserved

DIVISION IX  
 DATA SUBMISSION TO DETERMINE MEDICAID OFFSET FOR COUNTIES

25.95(426B) Definitions  
 25.96(426B) Data to determine Medicaid offset

CHAPTERS 26 and 27  
 Reserved

CHAPTER 28  
 POLICIES FOR MENTAL HEALTH  
 INSTITUTES AND RESOURCE CENTERS

28.1(218) Definitions  
 28.2(218,222) Selection of facility  
 28.3 Reserved  
 28.4(225C,229) Grievances  
 28.5(217,218) Photographing and recording of individuals and use of cameras  
 28.6(217,218) Interviews and statements  
 28.7(218) Use of grounds, facilities, or equipment  
 28.8(218) Tours of facility  
 28.9(218) Donations  
 28.10 and 28.11 Reserved  
 28.12(217) Release of confidential information  
 28.13(218) Applying county institutional credit balances

CHAPTER 29  
 MENTAL HEALTH INSTITUTES

29.1(218) Catchment areas  
 29.2(218,229) Voluntary admissions  
 29.3(229,230) Certification of county of residence  
 29.4(218,230) Charges for care  
 29.5(229) Authorization for treatment  
 29.6(217,228,229) Rights of individuals  
 29.7(218) Visiting

CHAPTER 30  
 STATE RESOURCE CENTERS

30.1(218,222) Catchment areas  
 30.2(218,222) Admission  
 30.3(222) Non-Medicaid payment-eligible individuals  
 30.4(222) Liability for support

- 30.5(217,218,225C) Rights of individuals  
 30.6(218) Visiting

### CHAPTER 31 CIVIL COMMITMENT UNIT

- 31.1(229A) Definitions  
 31.2(229A) Visitation  
 31.3(229A) Group visitation  
 31.4(229A) Grievances  
 31.5(229A) Photographing and recording individuals  
 31.6(229A) Release of information  
 31.7(229A) Communication with individuals  
 31.8(229A) Building and grounds  
 31.9(8,218) Gifts and bequests  
 31.10(229A) Cost of care

### CHAPTERS 32 and 33 Reserved

### CHAPTER 34 ALTERNATIVE DIAGNOSTIC FACILITIES

- 34.1(225C) Definitions  
 34.2(225C) Function  
 34.3(225C) Standards

### CHAPTER 35 Reserved

### CHAPTER 36 FACILITY ASSESSMENTS

#### DIVISION I ASSESSMENT FEE FOR INTERMEDIATE CARE FACILITIES FOR THE MENTALLY RETARDED

- 36.1(249A) Assessment of fee  
 36.2(249A) Determination and payment of fee for facilities certified to participate in the Medicaid program  
 36.3(249A) Determination and payment of fee for facilities not certified to participate in the Medicaid program  
 36.4(249A) Termination of fee assessment  
 36.5 Reserved

#### DIVISION II QUALITY ASSURANCE ASSESSMENT FOR NURSING FACILITIES

- 36.6(249L) Assessment  
 36.7(249L) Determination and payment of assessment  
 36.8 and 36.9 Reserved

#### DIVISION III HEALTH CARE ACCESS ASSESSMENT FOR HOSPITALS

- 36.10(249M) Application of assessment  
 36.11(249M) Determination and payment of assessment  
 36.12(249M) Termination of health care access assessment

### CHAPTER 37 Reserved

## CHAPTER 38

## DEVELOPMENTAL DISABILITIES BASIC STATE GRANT

- 38.1(225C,217) Definitions
- 38.2(225C,217) Program eligibility
- 38.3(225C,217) Application under competitive process
- 38.4(225C,217) Competitive project awards
- 38.5(225C,217) Sole source or emergency selection project awards
- 38.6(225C,217) Field-initiated proposals
- 38.7(225C,217) Notification
- 38.8(225C,217) Request for reconsideration
- 38.9(225C,217) Contracts
- 38.10 Reserved
- 38.11(225C,217) Reallocation of funds
- 38.12(225C,217) Conflict of interest policy

## CHAPTER 39

## Reserved

## TITLE IV

## FAMILY INVESTMENT PROGRAM

## CHAPTER 40

## APPLICATION FOR AID

## DIVISION I

## FAMILY INVESTMENT PROGRAM—CONTROL GROUP

- 40.1 to 40.20 Reserved

## DIVISION II

## FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

- 40.21(239B) Definitions
- 40.22(239B) Application
- 40.23(239B) Date of application
- 40.24(239B) Procedure with application
- 40.25(239B) Time limit for decision
- 40.26(239B) Effective date of grant
- 40.27(239B) Continuing eligibility
- 40.28(239B) Referral for investigation

## CHAPTER 41

## GRANTING ASSISTANCE

## DIVISION I

FAMILY INVESTMENT PROGRAM—  
CONTROL GROUP

- 41.1 to 41.20 Reserved

## DIVISION II

## FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

- 41.21(239B) Eligibility factors specific to child
- 41.22(239B) Eligibility factors specific to payee
- 41.23(239B) Home, residence, citizenship, and alienage
- 41.24(239B) Promoting independence and self-sufficiency through employment job opportunities and basic skills (PROMISE JOBS) program
- 41.25(239B) Uncategorized factors of eligibility
- 41.26(239B) Resources
- 41.27(239B) Income
- 41.28(239B) Need standards

41.29(239B) Composite FIP/SSI cases  
 41.30(239B) Time limits

## CHAPTER 42

### Reserved

## CHAPTER 43

### ALTERNATE PAYEES

#### DIVISION I

##### FAMILY INVESTMENT PROGRAM—CONTROL GROUP

43.1 to 43.20 Reserved

#### DIVISION II

##### FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

43.21(239B) Conservatorship or guardianship  
 43.22 and 43.23 Reserved  
 43.24(239B) Emergency payee

## CHAPTER 44

### Reserved

## CHAPTER 45

### PAYMENT

#### DIVISION I

##### FAMILY INVESTMENT PROGRAM—CONTROL GROUP

45.1 to 45.20 Reserved

#### DIVISION II

##### FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

45.21(239B) Issuing payment  
 45.22(239B) Return  
 45.23(239B) Held warrants  
 45.24(239B) Underpayment  
 45.25(239B) Deceased payees  
 45.26(239B) Limitation on payment  
 45.27(239B) Rounding of need standard and payment amount

## CHAPTER 46

### OVERPAYMENT RECOVERY

#### DIVISION I

##### FAMILY INVESTMENT PROGRAM—CONTROL GROUP

46.1 to 46.20 Reserved

#### DIVISION II

##### FAMILY INVESTMENT PROGRAM—TREATMENT GROUP

46.21(239B) Definitions  
 46.22(239B) Monetary standards  
 46.23(239B) Notification and appeals  
 46.24(239B) Determination of overpayments  
 46.25(239B) Source of recoupment  
 46.26 Reserved  
 46.27(239B) Procedures for recoupment  
 46.28 Reserved  
 46.29(239B) Fraudulent misrepresentation of residence

CHAPTER 47  
DIVERSION INITIATIVES

DIVISION I  
PROMOTING AWARENESS OF THE BENEFITS OF A HEALTHY MARRIAGE

- 47.1(234) Eligibility criteria
- 47.2(234) Notice and eligibility period
- 47.3 to 47.20 Reserved

DIVISION II  
FAMILY SELF-SUFFICIENCY GRANTS PROGRAM

- 47.21(239B) Definitions
- 47.22(239B) Availability of the family self-sufficiency grants program
- 47.23(239B) General criteria
- 47.24(239B) Assistance available in family self-sufficiency grants
- 47.25(239B) Application, notification, and appeals
- 47.26(239B) Approved local plans for family self-sufficiency grants
- 47.27(239B) Evaluation of family self-sufficiency grants
- 47.28(239B) Recovery of FSSG overpayments

CHAPTERS 48 and 49  
Reserved

TITLE V  
*STATE SUPPLEMENTARY ASSISTANCE*

CHAPTER 50  
APPLICATION FOR ASSISTANCE

- 50.1(249) Definitions
- 50.2(249) Application procedures
- 50.3(249) Approval of application and effective date of eligibility
- 50.4(249) Reviews
- 50.5(249) Application under conditional benefits

CHAPTER 51  
ELIGIBILITY

- 51.1(249) Application for other benefits
- 51.2(249) Supplementation
- 51.3(249) Eligibility for residential care
- 51.4(249) Dependent relatives
- 51.5(249) Residence
- 51.6(249) Eligibility for supplement for Medicare and Medicaid eligibles
- 51.7(249) Income from providing room and board
- 51.8(249) Furnishing of social security number
- 51.9(249) Recovery

CHAPTER 52  
PAYMENT

- 52.1(249) Assistance standards

CHAPTER 53  
Reserved

CHAPTER 54  
FACILITY PARTICIPATION

54.1(249)	Application and contract agreement
54.2(249)	Maintenance of case records
54.3(249)	Financial and statistical report
54.4(249)	Goods and services provided
54.5(249)	Personal needs account
54.6(249)	Case activity report
54.7(249)	Billing procedures
54.8(249)	Audits

TITLE VI  
*GENERAL PUBLIC ASSISTANCE PROVISIONS*

CHAPTERS 55 and 56  
Reserved

CHAPTER 57  
INTERIM ASSISTANCE REIMBURSEMENT

57.1(249)	Definitions
57.2(249)	Requirements for reimbursement
57.3(249)	Certificate of authority

CHAPTER 58  
EMERGENCY ASSISTANCE

DIVISION I  
IOWA DISASTER AID INDIVIDUAL ASSISTANCE GRANT PROGRAM

58.1(29C)	Definitions
58.2(29C)	Program implementation
58.3(29C)	Application for assistance
58.4(29C)	Eligibility criteria
58.5(29C)	Eligible categories of assistance
58.6(29C)	Eligibility determination and payment
58.7(29C)	Contested cases
58.8(29C)	Discontinuance of program
58.9 to 58.20	Reserved

DIVISION II  
FAMILY INVESTMENT PROGRAM—EMERGENCY ASSISTANCE

58.21 to 58.40	Reserved
----------------	----------

DIVISION III  
TEMPORARY MEASURES RELATED TO DISASTERS

58.41(217)	Purpose
58.42(234,237A,239B,249,249A,249J,514I)	Extension of scheduled reporting and review requirements
58.43(237A)	Need for child care services
58.44(249A,249J,514I)	Premium payments
58.45(249A)	Citizenship and identity
58.46 to 58.50	Reserved

DIVISION IV  
IOWANS HELPING IOWANS UNMET NEEDS DISASTER ASSISTANCE PROGRAM

58.51(234)	Definitions
58.52(234)	Program implementation
58.53(234)	Application for assistance
58.54(234)	Eligibility criteria



58.55(234)	Eligible categories of assistance
58.56(234)	Eligibility determination and payment
58.57(234)	Contested cases
58.58(234)	Discontinuance of program
58.59 and 58.60	Reserved

DIVISION V  
TICKET TO HOPE PROGRAM

58.61(234)	Definitions
58.62(234)	Application process
58.63(234)	Eligibility criteria
58.64(234)	Provider participation
58.65(234)	Provider reimbursement
58.66(234)	Reconsideration
58.67(234)	Appeal
58.68(234)	Discontinuance of program

CHAPTER 59  
Reserved

CHAPTER 60  
REFUGEE CASH ASSISTANCE

60.1(217)	Alienage requirements
60.2(217)	Application procedures
60.3(217)	Effective date of grant
60.4(217)	Accepting other assistance
60.5(217)	Eligibility factors
60.6(217)	Students in institutions of higher education
60.7(217)	Time limit for eligibility
60.8(217)	Criteria for exemption from registration for employment services, registration, and refusal to register
60.9(217)	Work and training requirements
60.10(217)	Uncategorized factors of eligibility
60.11(217)	Temporary absence from home
60.12(217)	Application
60.13(217)	Continuing eligibility
60.14(217)	Alternate payees
60.15(217)	Payment
60.16(217)	Overpayment recovery

CHAPTER 61  
REFUGEE SERVICES PROGRAM

61.1(217)	Definitions
61.2(217)	Authority
61.3(217)	Eligibility for refugee services
61.4(217)	Planning and coordinating the placement of refugees in advance of their arrival
61.5(217)	Services of the department available for refugees
61.6(217)	Provision of services
61.7(217)	Application for services
61.8(217)	Adverse service actions
61.9(217)	Client appeals
61.10(217)	Refugee sponsors
61.11(217)	Adverse actions regarding sponsor applications
61.12(217)	Administrative review of denial of sponsorship application

61.13(217)	Refugee resettlement moneys
61.14(217)	Unaccompanied refugee minors program
61.15(217,622A)	Interpreters and translators for legal proceedings
61.16(217)	Pilot recredentialing services
61.17(217)	Targeted assistance grants
61.18(217)	Iowa refugee services foundation

## CHAPTERS 62 to 64

Reserved

## TITLE VII

*FOOD PROGRAMS*

## CHAPTER 65

## FOOD ASSISTANCE PROGRAM ADMINISTRATION

## DIVISION I

65.1(234)	Definitions
65.2(234)	Application
65.3(234)	Administration of program
65.4(234)	Issuance
65.5(234)	Simplified reporting
65.6(234)	Delays in certification
65.7	Reserved
65.8(234)	Deductions
65.9(234)	Treatment centers and group living arrangements
65.10	Reserved
65.11(234)	Discrimination complaint
65.12(234)	Appeals
65.13(234)	Joint processing
65.14	Reserved
65.15(234)	Proration of benefits
65.16(234)	Complaint system
65.17(234)	Involvement in a strike
65.18 and 65.19	Reserved
65.20(234)	Notice of expiration issuance
65.21(234)	Claims
65.22(234)	Verification
65.23(234)	Prospective budgeting
65.24(234)	Inclusion of foster children in household
65.25(234)	Effective date of change
65.26(234)	Eligible students
65.27(234)	Voluntary quit or reduction in hours of work
65.28(234)	Work requirements
65.29(234)	Income
65.30(234)	Resources
65.31(234)	Homeless meal providers
65.32(234)	Basis for allotment
65.33(234)	Dependent care deduction
65.34 to 65.36	Reserved
65.37(234)	Eligibility of noncitizens
65.38(234)	Income deductions
65.39(234)	Categorical eligibility
65.40	Reserved

65.41(234)	Actions on changes increasing benefits
65.42 and 65.43	Reserved
65.44(234)	Reinstatement
65.45	Reserved
65.46(234)	Disqualifications
65.47 to 65.49	Reserved
65.50(234)	No increase in benefits
65.51(234)	State income and eligibility verification system
65.52(234)	Systematic alien verification for entitlements (SAVE) program

#### CHAPTER 66

##### EMERGENCY FOOD ASSISTANCE PROGRAM

66.1(234)	Definitions
66.2(234)	Application to be a TEFAP contractor
66.3(234)	Contracts
66.4(234)	Distribution
66.5(234)	Household eligibility
66.6(234)	Reimbursement for allowable costs
66.7(234)	Commodity losses and claims
66.8(234)	State monitoring
66.9(234)	Limits on unrelated activities
66.10(234)	Complaints

#### CHAPTERS 67 to 73

Reserved

#### TITLE VIII

##### MEDICAL ASSISTANCE

#### CHAPTER 74

##### IOWA HEALTH AND WELLNESS PLAN

74.1(249A,85GA,SF446)	Definitions
74.2(249A,85GA,SF446)	Eligibility factors
74.3(249A,85GA,SF446)	Application
74.4(249A,85GA,SF446)	Financial eligibility
74.5(249A,85GA,SF446)	Enrollment period
74.6(249A,85GA,SF446)	Reporting changes
74.7(249A,85GA,SF446)	Reenrollment
74.8(249A,85GA,SF446)	Terminating enrollment
74.9(249A,85GA,SF446)	Recovery
74.10(249A,85GA,SF446)	Right to appeal
74.11(249A,85GA,SF446)	Financial participation
74.12(249A,85GA,SF446)	Benefits and service delivery
74.13(249A,85GA,SF446)	Claims and reimbursement methodologies
74.14(249A,85GA,SF446)	Discontinuance of program
74.15(249A,85GA,ch138)	Enrollment for IowaCare members

#### CHAPTER 75

##### CONDITIONS OF ELIGIBILITY

#### DIVISION I

##### GENERAL CONDITIONS OF ELIGIBILITY, COVERAGE GROUPS, AND SSI-RELATED PROGRAMS

75.1(249A)	Persons covered
75.2(249A)	Medical resources
75.3(249A)	Acceptance of other financial benefits

75.4(249A)	Medical assistance lien
75.5(249A)	Determination of countable income and resources for persons in a medical institution
75.6(249A)	Entrance fee for continuing care retirement community or life care community
75.7(249A)	Furnishing of social security number
75.8(249A)	Medical assistance corrective payments
75.9(249A)	Treatment of Medicaid qualifying trusts
75.10(249A)	Residency requirements
75.11(249A)	Citizenship or alienage requirements
75.12(249A)	Inmates of public institutions
75.13(249A)	Categorical relatedness
75.14(249A)	Establishing paternity and obtaining support
75.15(249A)	Disqualification for long-term care assistance due to substantial home equity
75.16(249A)	Client participation in payment for medical institution care
75.17(249A)	Verification of pregnancy
75.18(249A)	Continuous eligibility for pregnant women
75.19(249A)	Continuous eligibility for children
75.20(249A)	Disability requirements for SSI-related Medicaid
75.21(249A)	Health insurance premium payment (HIPP) program
75.22(249A)	AIDS/HIV health insurance premium payment program
75.23(249A)	Disposal of assets for less than fair market value after August 10, 1993
75.24(249A)	Treatment of trusts established after August 10, 1993
75.25(249A)	Definitions
75.26	Reserved
75.27(249A)	AIDS/HIV settlement payments
75.28(249A)	Recovery
75.29(249A)	Investigation by quality control or the department of inspections and appeals
75.30(249A)	Member lock-in
75.31 to 75.49	Reserved

DIVISION II  
ELIGIBILITY FACTORS SPECIFIC TO COVERAGE GROUPS RELATED TO  
THE FAMILY MEDICAL ASSISTANCE PROGRAM (FMAP)

75.50(249A)	Definitions
75.51	Reserved
75.52(249A)	Continuing eligibility
75.53(249A)	Iowa residency policies specific to FMAP and FMAP-related coverage groups
75.54(249A)	Eligibility factors specific to child
75.55(249A)	Eligibility factors specific to specified relatives
75.56(249A)	Resources
75.57(249A)	Income
75.58(249A)	Need standards
75.59(249A)	Persons who may be voluntarily excluded from the eligible group when determining eligibility for the family medical assistance program (FMAP) and FMAP-related coverage groups
75.60(249A)	Pending SSI approval
75.61 to 75.69	Reserved

DIVISION III  
FINANCIAL ELIGIBILITY BASED ON MODIFIED ADJUSTED GROSS INCOME (MAGI)

75.70(249A)	Financial eligibility based on modified adjusted gross income (MAGI)
75.71(249A)	Income limits

CHAPTER 76  
ENROLLMENT AND REENROLLMENT

76.1(249A)	Definitions
76.2(249A)	Application with the department
76.3(249A)	Referrals from a health insurance marketplace
76.4(249A)	Express lane eligibility
76.5(249A)	Enrollment through SSI
76.6(249A)	Referral for Medicare savings program
76.7(249A)	Presumptive eligibility
76.8(249A)	Applicant responsibilities
76.9(249A)	Responsible persons and authorized representatives
76.10(249A)	Right to withdraw the application
76.11(249A)	Choice of electronic notifications
76.12(249A)	Application not required
76.13(249A)	Initial enrollment
76.14(249A)	Reenrollment
76.15(249A)	Report of changes
76.16(249A)	Action on information received
76.17(249A)	Automatic redetermination of eligibility

CHAPTER 77  
CONDITIONS OF PARTICIPATION FOR PROVIDERS  
OF MEDICAL AND REMEDIAL CARE

77.1(249A)	Physicians
77.2(249A)	Retail pharmacies
77.3(249A)	Hospitals
77.4(249A)	Dentists
77.5(249A)	Podiatrists
77.6(249A)	Optometrists
77.7(249A)	Opticians
77.8(249A)	Chiropractors
77.9(249A)	Home health agencies
77.10(249A)	Medical equipment and appliances, prosthetic devices and medical supplies
77.11(249A)	Ambulance service
77.12(249A)	Behavioral health intervention
77.13(249A)	Hearing aid dispensers
77.14(249A)	Audiologists
77.15(249A)	Community mental health centers
77.16(249A)	Screening centers
77.17(249A)	Physical therapists
77.18(249A)	Orthopedic shoe dealers and repair shops
77.19(249A)	Rehabilitation agencies
77.20(249A)	Independent laboratories
77.21(249A)	Rural health clinics
77.22(249A)	Psychologists
77.23(249A)	Maternal health centers
77.24(249A)	Ambulatory surgical centers
77.25(249A)	Home- and community-based habilitation services
77.26(249A)	Behavioral health services
77.27(249A)	Birth centers
77.28(249A)	Area education agencies
77.29(249A)	Case management provider organizations

77.30(249A)	HCBS health and disability waiver service providers
77.31(249A)	Occupational therapists
77.32(249A)	Hospice providers
77.33(249A)	HCBS elderly waiver service providers
77.34(249A)	HCBS AIDS/HIV waiver service providers
77.35(249A)	Federally qualified health centers
77.36(249A)	Advanced registered nurse practitioners
77.37(249A)	Home- and community-based services intellectual disability waiver service providers
77.38(249A)	Assertive community treatment
77.39(249A)	HCBS brain injury waiver service providers
77.40(249A)	Lead inspection agencies
77.41(249A)	HCBS physical disability waiver service providers
77.42(249A)	Public health agencies
77.43(249A)	Infant and toddler program providers
77.44(249A)	Local education agency services providers
77.45(249A)	Indian health service 638 facilities
77.46(249A)	HCBS children's mental health waiver service providers
77.47(249A)	Health home services providers
77.48(249A)	Speech-language pathologists
77.49(249A)	Physician assistants
77.50(249A)	Ordering and referring providers
77.51(249A)	Accountable care organizations

#### CHAPTER 78 AMOUNT, DURATION AND SCOPE OF MEDICAL AND REMEDIAL SERVICES

78.1(249A)	Physicians' services
78.2(249A)	Prescribed outpatient drugs
78.3(249A)	Inpatient hospital services
78.4(249A)	Dentists
78.5(249A)	Podiatrists
78.6(249A)	Optometrists
78.7(249A)	Opticians
78.8(249A)	Chiropractors
78.9(249A)	Home health agencies
78.10(249A)	Durable medical equipment (DME), prosthetic devices and medical supplies
78.11(249A)	Ambulance service
78.12(249A)	Behavioral health intervention
78.13(249A)	Nonemergency medical transportation
78.14(249A)	Hearing aids
78.15(249A)	Orthopedic shoes
78.16(249A)	Community mental health centers
78.17(249A)	Physical therapists
78.18(249A)	Screening centers
78.19(249A)	Rehabilitation agencies
78.20(249A)	Independent laboratories
78.21(249A)	Rural health clinics
78.22(249A)	Family planning clinics
78.23(249A)	Other clinic services
78.24(249A)	Psychologists
78.25(249A)	Maternal health centers

78.26(249A)	Ambulatory surgical center services
78.27(249A)	Home- and community-based habilitation services
78.28(249A)	List of medical services and equipment requiring prior authorization, preprocedure review or preadmission review
78.29(249A)	Behavioral health services
78.30(249A)	Birth centers
78.31(249A)	Hospital outpatient services
78.32(249A)	Area education agencies
78.33(249A)	Case management services
78.34(249A)	HCBS ill and handicapped waiver services
78.35(249A)	Occupational therapist services
78.36(249A)	Hospice services
78.37(249A)	HCBS elderly waiver services
78.38(249A)	HCBS AIDS/HIV waiver services
78.39(249A)	Federally qualified health centers
78.40(249A)	Advanced registered nurse practitioners
78.41(249A)	HCBS intellectual disability waiver services
78.42(249A)	Pharmacies administering influenza vaccine to children
78.43(249A)	HCBS brain injury waiver services
78.44(249A)	Lead inspection services
78.45(249A)	Assertive community treatment
78.46(249A)	Physical disability waiver service
78.47(249A)	Pharmaceutical case management services
78.48(249A)	Public health agencies
78.49(249A)	Infant and toddler program services
78.50(249A)	Local education agency services
78.51(249A)	Indian health service 638 facility services
78.52(249A)	HCBS children's mental health waiver services
78.53(249A)	Health home services
78.54(249A)	Speech-language pathology services

#### CHAPTER 79

##### OTHER POLICIES RELATING TO PROVIDERS OF MEDICAL AND REMEDIAL CARE

79.1(249A)	Principles governing reimbursement of providers of medical and health services
79.2(249A)	Sanctions
79.3(249A)	Maintenance of records by providers of service
79.4(249A)	Reviews and audits
79.5(249A)	Nondiscrimination on the basis of handicap
79.6(249A)	Provider participation agreement
79.7(249A)	Medical assistance advisory council
79.8(249A)	Requests for prior authorization
79.9(249A)	General provisions for Medicaid coverage applicable to all Medicaid providers and services
79.10(249A)	Requests for preadmission review
79.11(249A)	Requests for preprocedure surgical review
79.12(249A)	Advance directives
79.13(249A)	Requirements for enrolled Medicaid providers supplying laboratory services
79.14(249A)	Provider enrollment
79.15(249A)	Education about false claims recovery
79.16(249A)	Electronic health record incentive program

## CHAPTER 80 PROCEDURE AND METHOD OF PAYMENT

80.1	Reserved
80.2(249A)	Submission of claims
80.3(249A)	Payment from other sources
80.4(249A)	Time limit for submission of claims and claim adjustments
80.5(249A)	Authorization process
80.6(249A)	Payment to provider—exception
80.7(249A)	Health care data match program

## CHAPTER 81 NURSING FACILITIES

### DIVISION I GENERAL POLICIES

81.1(249A)	Definitions
81.2	Reserved
81.3(249A)	Initial approval for nursing facility care
81.4(249A)	Arrangements with residents
81.5(249A)	Discharge and transfer
81.6(249A)	Financial and statistical report and determination of payment rate
81.7(249A)	Continued review
81.8	Reserved
81.9(249A)	Records
81.10(249A)	Payment procedures
81.11(249A)	Billing procedures
81.12(249A)	Closing of facility
81.13(249A)	Conditions of participation for nursing facilities
81.14(249A)	Audits
81.15	Reserved
81.16(249A)	Nurse aide requirements and training and testing programs
81.17	Reserved
81.18(249A)	Sanctions
81.19	Reserved
81.20(249A)	Out-of-state facilities
81.21(249A)	Outpatient services
81.22(249A)	Rates for Medicaid eligibles
81.23(249A)	State-funded personal needs supplement
81.24 to 81.30	Reserved

### DIVISION II ENFORCEMENT OF COMPLIANCE

81.31(249A)	Definitions
81.32(249A)	General provisions
81.33(249A)	Factors to be considered in selecting remedies
81.34(249A)	Available remedies
81.35(249A)	Selection of remedies
81.36(249A)	Action when there is immediate jeopardy
81.37(249A)	Action when there is no immediate jeopardy
81.38(249A)	Action when there is repeated substandard quality of care
81.39(249A)	Temporary management
81.40(249A)	Denial of payment for all new admissions
81.41(249A)	Secretarial authority to deny all payments
81.42(249A)	State monitoring



81.43(249A)	Directed plan of correction
81.44(249A)	Directed in-service training
81.45(249A)	Closure of a facility or transfer of residents, or both
81.46(249A)	Civil money penalties—basis for imposing penalty
81.47(249A)	Civil money penalties—when penalty is collected
81.48(249A)	Civil money penalties—notice of penalty
81.49(249A)	Civil money penalties—waiver of hearing, reduction of penalty amount
81.50(249A)	Civil money penalties—amount of penalty
81.51(249A)	Civil money penalties—effective date and duration of penalty
81.52(249A)	Civil money penalties—due date for payment of penalty
81.53(249A)	Use of penalties collected by the department
81.54(249A)	Continuation of payments to a facility with deficiencies
81.55(249A)	State and federal disagreements involving findings not in agreement when there is no immediate jeopardy
81.56(249A)	Duration of remedies
81.57(249A)	Termination of provider agreement

## CHAPTER 82

### INTERMEDIATE CARE FACILITIES FOR PERSONS WITH AN INTELLECTUAL DISABILITY

82.1(249A)	Definition
82.2(249A)	Licensing and certification
82.3(249A)	Conditions of participation for intermediate care facilities for persons with an intellectual disability
82.4	Reserved
82.5(249A)	Financial and statistical report
82.6(249A)	Eligibility for services
82.7(249A)	Initial approval for ICF/ID care
82.8(249A)	Determination of need for continued stay
82.9(249A)	Arrangements with residents
82.10(249A)	Discharge and transfer
82.11(249A)	Continued stay review
82.12(249A)	Quality of care review
82.13(249A)	Records
82.14(249A)	Payment procedures
82.15(249A)	Billing procedures
82.16(249A)	Closing of facility
82.17(249A)	Audits
82.18(249A)	Out-of-state facilities
82.19(249A)	State-funded personal needs supplement

## CHAPTER 83

### MEDICAID WAIVER SERVICES

#### DIVISION I—HCBS HEALTH AND DISABILITY WAIVER SERVICES

83.1(249A)	Definitions
83.2(249A)	Eligibility
83.3(249A)	Application
83.4(249A)	Financial participation
83.5(249A)	Redetermination
83.6(249A)	Allowable services
83.7(249A)	Service plan
83.8(249A)	Adverse service actions

83.9(249A) Appeal rights  
 83.10 to 83.20 Reserved

DIVISION II—HCBS ELDERLY WAIVER SERVICES

83.21(249A) Definitions  
 83.22(249A) Eligibility  
 83.23(249A) Application  
 83.24(249A) Client participation  
 83.25(249A) Redetermination  
 83.26(249A) Allowable services  
 83.27(249A) Service plan  
 83.28(249A) Adverse service actions  
 83.29(249A) Appeal rights  
 83.30(249A) Enhanced services  
 83.31 to 83.40 Reserved

DIVISION III—HCBS AIDS/HIV WAIVER SERVICES

83.41(249A) Definitions  
 83.42(249A) Eligibility  
 83.43(249A) Application  
 83.44(249A) Financial participation  
 83.45(249A) Redetermination  
 83.46(249A) Allowable services  
 83.47(249A) Service plan  
 83.48(249A) Adverse service actions  
 83.49(249A) Appeal rights  
 83.50 to 83.59 Reserved

DIVISION IV—HCBS INTELLECTUAL DISABILITY WAIVER SERVICES

83.60(249A) Definitions  
 83.61(249A) Eligibility  
 83.62(249A) Application  
 83.63(249A) Client participation  
 83.64(249A) Redetermination  
 83.65 Reserved  
 83.66(249A) Allowable services  
 83.67(249A) Service plan  
 83.68(249A) Adverse service actions  
 83.69(249A) Appeal rights  
 83.70 and 83.71 Reserved  
 83.72(249A) Rent subsidy program  
 83.73 to 83.80 Reserved

DIVISION V—BRAIN INJURY WAIVER SERVICES

83.81(249A) Definitions  
 83.82(249A) Eligibility  
 83.83(249A) Application  
 83.84(249A) Client participation  
 83.85(249A) Redetermination  
 83.86(249A) Allowable services  
 83.87(249A) Service plan  
 83.88(249A) Adverse service actions  
 83.89(249A) Appeal rights  
 83.90 to 83.100 Reserved

## DIVISION VI—PHYSICAL DISABILITY WAIVER SERVICES

83.101(249A)	Definitions
83.102(249A)	Eligibility
83.103(249A)	Application
83.104(249A)	Client participation
83.105(249A)	Redetermination
83.106(249A)	Allowable services
83.107(249A)	Individual service plan
83.108(249A)	Adverse service actions
83.109(249A)	Appeal rights
83.110 to 83.120	Reserved

## DIVISION VII—HCBS CHILDREN'S MENTAL HEALTH WAIVER SERVICES

83.121(249A)	Definitions
83.122(249A)	Eligibility
83.123(249A)	Application
83.124(249A)	Financial participation
83.125(249A)	Redetermination
83.126(249A)	Allowable services
83.127(249A)	Service plan
83.128(249A)	Adverse service actions
83.129(249A)	Appeal rights

## CHAPTER 84

## EARLY AND PERIODIC SCREENING, DIAGNOSIS, AND TREATMENT

84.1(249A)	Definitions
84.2(249A)	Eligibility
84.3(249A)	Screening services
84.4(249A)	Referral
84.5(249A)	Follow up

## CHAPTER 85

## SERVICES IN PSYCHIATRIC INSTITUTIONS

DIVISION I  
PSYCHIATRIC HOSPITALS

85.1(249A)	Acute care in psychiatric hospitals
85.2(249A)	Out-of-state placement
85.3(249A)	Eligibility of persons under the age of 21
85.4(249A)	Eligibility of persons aged 65 and over
85.5(249A)	Client participation
85.6(249A)	Responsibilities of hospitals
85.7(249A)	Psychiatric hospital reimbursement
85.8(249A,81GA,ch167)	Eligibility of persons aged 21 through 64
85.9 to 85.20	Reserved

DIVISION II  
PSYCHIATRIC MEDICAL INSTITUTIONS FOR CHILDREN

85.21(249A)	Conditions for participation
85.22(249A)	Eligibility of persons under the age of 21
85.23(249A)	Client participation
85.24(249A)	Responsibilities of facilities
85.25(249A)	Reimbursement to psychiatric medical institutions for children
85.26(249A)	Outpatient day treatment for persons aged 20 or under
85.27 to 85.40	Reserved

DIVISION III  
NURSING FACILITIES FOR PERSONS WITH MENTAL ILLNESS

85.41(249A)	Conditions of participation
85.42(249A)	Out-of-state placement
85.43(249A)	Eligibility of persons aged 65 and over
85.44(249A)	Client participation
85.45(249A)	Responsibilities of nursing facility
85.46(249A)	Policies governing reimbursement
85.47(249A)	State-funded personal needs supplement

CHAPTER 86  
HEALTHY AND WELL KIDS IN IOWA (HAWK-I) PROGRAM

86.1(514I)	Definitions
86.2(514I)	Eligibility factors
86.3(514I)	Application process
86.4(514I)	Coordination with Medicaid
86.5(514I)	Effective date of coverage
86.6(514I)	Selection of a plan
86.7(514I)	Cancellation
86.8(514I)	Premiums and copayments
86.9(514I)	Annual reviews of eligibility
86.10(514I)	Reporting changes
86.11(514I)	Notice requirements
86.12(514I)	Appeals and fair hearings
86.13(514I)	Third-party administrator
86.14(514I)	Covered services
86.15(514I)	Participating health and dental plans
86.16(514I)	Clinical advisory committee
86.17(514I)	Use of donations to the HAWK-I program
86.18(505)	Health insurance data match program
86.19(514I)	Recovery
86.20(514I)	Supplemental dental-only coverage

CHAPTER 87  
STATE-FUNDED FAMILY PLANNING PROGRAM

87.1(82GA,ch1187)	Definitions
87.2(82GA,ch1187)	Eligibility
87.3(82GA,ch1187)	Application
87.4(82GA,ch1187)	Effective date
87.5(82GA,ch1187)	Period of eligibility and reapplication
87.6(82GA,ch1187)	Reporting changes
87.7(82GA,ch1187)	Allocation of funds
87.8(82GA,ch1187)	Availability of services
87.9(82GA,ch1187)	Payment of covered services
87.10(82GA,ch1187)	Submission of claims

CHAPTER 88  
MANAGED HEALTH CARE PROVIDERS

DIVISION I  
HEALTH MAINTENANCE ORGANIZATION

88.1(249A)	Definitions
88.2(249A)	Participation
88.3(249A)	Enrollment

88.4(249A)	Disenrollment
88.5(249A)	Covered services
88.6(249A)	Emergency and urgent care services
88.7(249A)	Access to service
88.8(249A)	Grievance procedures
88.9(249A)	Records and reports
88.10(249A)	Marketing
88.11(249A)	Patient education
88.12(249A)	Reimbursement
88.13(249A)	Quality assurance
88.14(249A)	Contracts with federally qualified health centers (FQHCs) and rural health clinics (RHCs)
88.15 to 88.20	Reserved

DIVISION II  
PREPAID HEALTH PLANS

88.21(249A)	Definitions
88.22(249A)	Participation
88.23(249A)	Enrollment
88.24(249A)	Disenrollment
88.25(249A)	Covered services
88.26(249A)	Emergency services
88.27(249A)	Access to service
88.28(249A)	Grievance procedures
88.29(249A)	Records and reports
88.30(249A)	Marketing
88.31(249A)	Patient education
88.32(249A)	Payment to the PHP
88.33(249A)	Quality assurance
88.34 to 88.40	Reserved

DIVISION III  
MEDICAID PATIENT MANAGEMENT

88.41(249A)	Definitions
88.42(249A)	Eligible recipients
88.43(249A)	Project area
88.44(249A)	Eligible providers
88.45(249A)	Contracting for the provision of patient management
88.46(249A)	Enrollment and changes in enrollment
88.47(249A)	Disenrollment
88.48(249A)	Services
88.49(249A)	Grievance procedure
88.50(249A)	Payment
88.51(249A)	Utilization review and quality assessment
88.52(249A)	Marketing
88.53 to 88.60	Reserved

DIVISION IV  
IOWA PLAN FOR BEHAVIORAL HEALTH

88.61(249A)	Definitions
88.62(249A)	Participation
88.63(249A)	Enrollment
88.64(249A)	Disenrollment
88.65(249A)	Covered services

88.66(249A)	Emergency services
88.67(249A)	Access to service
88.68(249A)	Review of contractor decisions and actions
88.69(249A)	Records and reports
88.70(249A)	Marketing
88.71(249A)	Enrollee education
88.72(249A)	Payment to the contractor
88.73(249A)	Claims payment
88.74(249A)	Quality assurance
88.75(249A)	Iowa Plan advisory committee
88.76 to 88.80	Reserved

DIVISION V  
PROGRAMS OF ALL-INCLUSIVE CARE FOR THE ELDERLY

88.81(249A)	Scope and definitions
88.82(249A)	PACE organization application and waiver process
88.83(249A)	PACE program agreement
88.84(249A)	Enrollment and disenrollment
88.85(249A)	Program services
88.86(249A)	Access to PACE services
88.87(249A)	Program administrative requirements
88.88(249A)	Payment

CHAPTER 89  
DEBTS DUE FROM TRANSFERS OF ASSETS

89.1(249F)	Definitions
89.2(249F)	Creation of debt
89.3(249F)	Exceptions
89.4(249F)	Presumption of intent
89.5(249F)	Notice of debt
89.6(249F)	No timely request of a hearing
89.7(249F)	Timely request for a hearing
89.8(249F)	Department-requested hearing
89.9(249F)	Filing and docketing of the order
89.10(249F)	Exemption from Iowa Code chapter 17A

CHAPTER 90  
TARGETED CASE MANAGEMENT

90.1(249A)	Definitions
90.2(249A)	Eligibility
90.3(249A)	Determination of need for service
90.4(249A)	Application
90.5(249A)	Service provision
90.6(249A)	Terminating services
90.7(249A)	Appeal rights
90.8(249A)	Provider requirements

CHAPTER 91  
MEDICARE DRUG SUBSIDY

91.1(249A)	Definitions
91.2(249A)	Application
91.3(249A)	Eligibility determination
91.4(249A)	Notice of decision
91.5(249A)	Effective date

- 91.6(249A) Changes in circumstances
- 91.7(249A) Reinvestigation
- 91.8(249A) Appeals

## CHAPTER 92 IOWACARE

- 92.1(249A,249J) Definitions
- 92.2(249A,249J) Eligibility
- 92.3(249A,249J) Application
- 92.4(249A,249J) Application processing
- 92.5(249A,249J) Determining income eligibility
- 92.6(249A,249J) Effective date
- 92.7(249A,249J) Financial participation
- 92.8(249A,249J) Benefits
- 92.9(249A,249J) Claims and reimbursement methodologies
- 92.10(249A,249J) Reporting changes
- 92.11(249A,249J) Reapplication
- 92.12(249A,249J) Terminating eligibility
- 92.13(249A,249J) Recovery
- 92.14(249A,249J) Discontinuance of the program
- 92.15(249A,249J) Right to appeal

## TITLE IX *WORK INCENTIVE DEMONSTRATION*

## CHAPTER 93 PROMISE JOBS PROGRAM

- 93.1(239B) Definitions
- 93.2(239B) Program administration
- 93.3(239B) Registration and referral
- 93.4(239B) The family investment agreement (FIA)
- 93.5(239B) Assessment
- 93.6(239B) Job readiness and job search activities
- 93.7(239B) Work activities
- 93.8(239B) Education and training activities
- 93.9(239B) Other FIA activities
- 93.10(239B) Required documentation and verification
- 93.11(239B) Supportive payments
- 93.12(239B) Recovery of PROMISE JOBS expense payments
- 93.13(239B) Resolution of participation issues
- 93.14(239B) Problems that may provide good cause for participation issues
- 93.15(239B) Right of appeal
- 93.16(239B) Resolution of a limited benefit plan
- 93.17(239B) Worker displacement grievance procedure

## CHAPTER 94 Reserved

## TITLE X *SUPPORT RECOVERY*

## CHAPTER 95 COLLECTIONS

- 95.1(252B) Definitions
- 95.2(252B) Child support recovery eligibility and services

95.3(252B)	Crediting of current and delinquent support
95.4(252B)	Prepayment of support
95.5(252B)	Lump sum settlement
95.6(252B)	Offset against state income tax refund or rebate
95.7(252B)	Offset against federal income tax refund and federal nontax payment
95.8(96)	Child support offset of unemployment insurance benefits
95.9 to 95.11	Reserved
95.12(252B)	Procedures for providing information to consumer reporting agencies
95.13(17A)	Appeals
95.14(252B)	Termination of services
95.15(252B)	Child support recovery unit attorney
95.16(252B)	Handling and use of federal 1099 information
95.17(252B)	Effective date of support
95.18(252B)	Continued services available to canceled family investment program (FIP) or Medicaid recipients
95.19(252B)	Cooperation of public assistance recipients in establishing and obtaining support
95.20(252B)	Cooperation of public assistance applicants in establishing and obtaining support
95.21(252B)	Cooperation in establishing and obtaining support in nonpublic assistance cases
95.22(252B)	Charging pass-through fees
95.23(252B)	Reimbursing assistance with collections of assigned support
95.24(252B)	Child support account
95.25(252B)	Emancipation verification

#### CHAPTER 96 INFORMATION AND RECORDS

96.1(252B)	Access to information and records from other sources
96.2(252B)	Refusal to comply with written request or subpoena
96.3(252B)	Procedure for refusal
96.4(252B)	Conference conducted
96.5(252B)	Fine assessed
96.6(252B)	Objection to fine or failure to pay

#### CHAPTER 97 COLLECTION SERVICES CENTER

97.1(252B)	Definitions
97.2(252B)	Transfer of records and payments
97.3(252B)	Support payment records
97.4(252B)	Method of payment
97.5(252D)	Electronic transmission of payments
97.6(252B)	Authorization of payment
97.7(252B)	Processing misdirected payments

#### CHAPTER 98 SUPPORT ENFORCEMENT SERVICES

##### DIVISION I MEDICAL SUPPORT ENFORCEMENT

98.1(252E)	Definitions
98.2(252E)	Provision of services
98.3(252E)	Establishing medical support
98.4(252E)	Accessibility of the health benefit plan
98.5(252E)	Health benefit plan information
98.6(252E)	Insurer authorization
98.7(252E)	Enforcement



98.8(252E) Contesting the order  
 98.9 to 98.20 Reserved

DIVISION II  
 INCOME WITHHOLDING  
 PART A  
 DELINQUENT SUPPORT PAYMENTS

98.21(252D) When applicable  
 98.22 and 98.23 Reserved  
 98.24(252D) Amount of withholding  
 98.25 to 98.30 Reserved

PART B  
 IMMEDIATE INCOME WITHHOLDING

98.31(252D) Effective date  
 98.32(252D) Withholding automatic  
 98.33 Reserved  
 98.34(252D) Approval of request for immediate income withholding  
 98.35(252D) Modification or termination of withholding  
 98.36(252D) Immediate income withholding amounts  
 98.37(252D) Immediate income withholding amounts when current support has ended  
 98.38 Reserved

PART C  
 INCOME WITHHOLDING—GENERAL PROVISIONS

98.39(252D,252E) Provisions for medical support  
 98.40(252D,252E) Maximum amounts to be withheld  
 98.41(252D) Multiple obligations  
 98.42(252D) Notice to employer and obligor  
 98.43(252D) Contesting the withholding  
 98.44(252D) Termination of order  
 98.45(252D) Modification of income withholding  
 98.46(252D) Refunds of amounts improperly withheld  
 98.47(252D) Additional information about hardship  
 98.48 to 98.50 Reserved

DIVISION III  
 REVIEW AND ADJUSTMENT OF CHILD SUPPORT OBLIGATIONS

98.51 to 98.60 Reserved

DIVISION IV  
 PUBLICATION OF NAMES

98.61(252B) List for publication  
 98.62(252B) Releasing the list  
 98.63 to 98.70 Reserved

DIVISION V  
 ADMINISTRATIVE SEEK EMPLOYMENT ORDERS

98.71(252B) Seek employment order  
 98.72(252B) Effective date of order  
 98.73(252B) Method and requirements of reporting  
 98.74(252B) Reasons for noncompliance  
 98.75(252B) Method of service  
 98.76(252B) Duration of order  
 98.77 to 98.80 Reserved

DIVISION VI  
DEBTOR OFFSET

98.81(252B)	Offset against payment owed to a person by a state agency
98.82 to 98.90	Reserved

DIVISION VII  
ADMINISTRATIVE LEVY

98.91(252I)	Administrative levy
98.92	Reserved
98.93(252I)	Verification of accounts
98.94(252I)	Notice to financial institution
98.95(252I)	Notice to support obligor
98.96(252I)	Responsibilities of financial institution
98.97(252I)	Challenging the administrative levy
98.98 to 98.100	Reserved

DIVISION VIII  
LICENSE SANCTION

98.101(252J)	Referral for license sanction
98.102(252J)	Reasons for exemption
98.103(252J)	Notice of potential sanction of license
98.104(252J)	Conference
98.105(252J)	Payment agreement
98.106(252J)	Staying the process due to full payment of support
98.107(252J)	Duration of license sanction
98.108 to 98.120	Reserved

DIVISION IX  
EXTERNAL ENFORCEMENT

98.121(252B)	Difficult-to-collect arrearages
98.122(252B)	Enforcement services by private attorney entitled to state compensation

CHAPTER 99  
SUPPORT ESTABLISHMENT AND ADJUSTMENT SERVICES

DIVISION I  
CHILD SUPPORT GUIDELINES

99.1(234,252B,252H)	Income considered
99.2(234,252B)	Allowable deductions
99.3(234,252B)	Determining net income
99.4(234,252B)	Applying the guidelines
99.5(234,252B)	Deviation from guidelines
99.6 to 99.9	Reserved

DIVISION II  
PATERNITY ESTABLISHMENT  
PART A  
JUDICIAL PATERNITY ESTABLISHMENT

99.10(252A)	Temporary support
99.11 to 99.20	Reserved

PART B  
ADMINISTRATIVE PATERNITY ESTABLISHMENT

99.21(252F)	When paternity may be established administratively
99.22(252F)	Mother's certified statement
99.23(252F)	Notice of alleged paternity and support debt
99.24(252F)	Conference to discuss paternity and support issues
99.25(252F)	Amount of support obligation

99.26(252F)	Court hearing
99.27(252F)	Paternity contested
99.28(252F)	Paternity test results challenge
99.29(252F)	Agreement to entry of paternity and support order
99.30(252F)	Entry of order establishing paternity only
99.31(252F)	Exception to time limit
99.32(252F)	Genetic test costs assessed
99.33 to 99.35	Reserved

PART C  
PATERNITY DISESTABLISHMENT

99.36(598,600B)	Definitions
99.37(598,600B)	Communication between parents
99.38(598,600B)	Continuation of enforcement
99.39(598,600B)	Satisfaction of accrued support
99.40	Reserved

DIVISION III  
ADMINISTRATIVE ESTABLISHMENT OF SUPPORT

99.41(252C)	Establishment of an administrative order
99.42 to 99.60	Reserved

DIVISION IV  
REVIEW AND ADJUSTMENT OF CHILD SUPPORT OBLIGATIONS

99.61(252B,252H)	Definitions
99.62(252B,252H)	Review of permanent child support obligations
99.63(252B,252H)	Notice requirements
99.64(252B,252H)	Financial information
99.65(252B,252H)	Review and adjustment of a child support obligation
99.66(252B,252H)	Medical support
99.67(252B,252H)	Confidentiality of financial information
99.68(252B,252H)	Payment of service fees and other court costs
99.69(252B,252H)	Denying requests
99.70(252B,252H)	Withdrawing requests
99.71(252H)	Effective date of adjustment
99.72 to 99.80	Reserved

DIVISION V  
ADMINISTRATIVE MODIFICATION

99.81(252H)	Definitions
99.82(252H)	Availability of service
99.83(252H)	Modification of child support obligations
99.84(252H)	Notice requirements
99.85(252H)	Financial information
99.86(252H)	Challenges to the proposed modification action
99.87(252H)	Voluntary reduction of income
99.88(252H)	Effective date of modification
99.89(252H)	Confidentiality of financial information
99.90(252H)	Payment of fees
99.91(252H)	Denying requests
99.92(252H)	Withdrawing requests
99.93 to 99.100	Reserved

DIVISION VI  
SUSPENSION AND REINSTATEMENT OF SUPPORT

99.101(252B)	Definitions
99.102(252B)	Availability of service
99.103(252B)	Basis for suspension of support
99.104(252B)	Request for assistance to suspend
99.105(252B)	Order suspending support
99.106(252B)	Suspension of enforcement of current support
99.107(252B)	Request for reinstatement
99.108(252B)	Reinstatement
99.109(252B)	Reinstatement of enforcement of support
99.110(252B)	Temporary suspension becomes final

CHAPTER 100  
CHILD SUPPORT PARENTAL OBLIGATION PILOT PROJECTS

100.1(17A,80GA,HF667)	Definitions
100.2(17A,80GA,HF667)	Incentives
100.3(17A,80GA,HF667)	Application to be a funded pilot project
100.4(17A,80GA,HF667)	Selection of projects
100.5(17A,80GA,HF667)	Termination of pilot projects
100.6(17A,80GA,HF667)	Reports and records
100.7(17A,80GA,HF667)	Appeals
100.8(17A,80GA,HF667)	Continued application of rules and sunset provisions

TITLE XI  
*CHILDREN'S INSTITUTIONS*

CHAPTER 101  
IOWA JUVENILE HOME

101.1(218)	Definitions
101.2(218)	Standards
101.3(218)	Admission
101.4(218)	Plan of care
101.5(218)	Communication with individuals
101.6(218)	Photographing and recording of individuals
101.7(218)	Employment of individual
101.8(218)	Temporary home visits
101.9(218)	Grievances
101.10(218)	Alleged child abuse
101.11(233B)	Cost of care
101.12(218)	Buildings and grounds
101.13(8,218)	Gifts and bequests

CHAPTER 102  
Reserved

CHAPTER 103  
STATE TRAINING SCHOOL

103.1(218)	Definitions
103.2(218)	Admission
103.3(218)	Plan of care
103.4(218)	Communication with individuals
103.5(218)	Photographing and recording of individuals
103.6(218)	Employment of individual

103.7(218)	Temporary home visits
103.8(218)	Grievances
103.9(692A)	Sex offender registration
103.10(218)	Alleged child abuse
103.11(233A)	Cost of care
103.12(218)	Buildings and grounds
103.13(8,218)	Gifts and bequests

## CHAPTER 104

### Reserved

## TITLE XII

### *LICENSING AND APPROVED STANDARDS*

## CHAPTER 105

### JUVENILE DETENTION AND SHELTER CARE HOMES

105.1(232)	Definitions
105.2(232)	Buildings and grounds
105.3(232)	Personnel policies
105.4(232)	Procedures manual
105.5(232)	Staff
105.6(232)	Intake procedures
105.7(232)	Assessments
105.8(232)	Program services
105.9(232)	Medication management and administration
105.10(232)	Control room—juvenile detention home only
105.11(232)	Clothing
105.12(232)	Staffings
105.13(232)	Child abuse
105.14(232)	Daily log
105.15(232)	Children's rights
105.16(232)	Discipline
105.17(232)	Case files
105.18(232)	Discharge
105.19(232)	Approval
105.20(232)	Provisional approval
105.21(232)	Mechanical restraint—juvenile detention only
105.22(232)	Chemical restraint

## CHAPTER 106

### SAFETY STANDARDS FOR CHILDREN'S CENTERS

106.1(237B)	Definitions
106.2(237B)	Application of the standards
106.3(237B)	Providing for basic needs
106.4(237B)	Protection from mistreatment, physical abuse, sexual abuse, and neglect
106.5(237B)	Record checks
106.6(237B)	Seclusion and restraints
106.7(237B)	Health
106.8(237B)	Safety
106.9(237B)	Emergencies
106.10(237B)	Buildings

CHAPTER 107  
CERTIFICATION OF ADOPTION INVESTIGATORS

107.1(600)	Introduction
107.2(600)	Definitions
107.3(600)	Application
107.4(600)	Requirements for certification
107.5(600)	Granting, denial, or revocation of certification
107.6(600)	Certificate
107.7(600)	Renewal of certification
107.8(600)	Investigative services
107.9(600)	International adoptions postplacement report
107.10(600)	Retention of adoption records
107.11(600)	Reporting of violations
107.12(600)	Appeals

CHAPTER 108  
LICENSING AND REGULATION OF CHILD-PLACING AGENCIES

108.1(238)	Definitions
108.2(238)	Licensing procedure
108.3(238)	Administration and organization
108.4(238)	Staff qualifications
108.5(238)	Staffing requirements
108.6(238)	Personnel administration
108.7(238)	Foster care services
108.8(238)	Foster home studies
108.9(238)	Adoption services
108.10(238)	Supervised apartment living placement services

CHAPTER 109  
CHILD CARE CENTERS

109.1(237A)	Definitions
109.2(237A)	Licensure procedures
109.3(237A)	Inspection and evaluation
109.4(237A)	Administration
109.5(237A)	Parental participation
109.6(237A)	Personnel
109.7(237A)	Professional growth and development
109.8(237A)	Staff ratio requirements
109.9(237A)	Records
109.10(237A)	Health and safety policies
109.11(237A)	Physical facilities
109.12(237A)	Activity program requirements
109.13(237A)	Extended evening care
109.14(237A)	Get-well center
109.15(237A)	Food services

CHAPTER 110  
CHILD DEVELOPMENT HOMES

110.1(237A)	Definitions
110.2(237A)	Application for registration
110.3(237A)	Renewal
110.4(237A)	Number of children
110.5(237A)	Standards

110.6(237A)	Compliance checks
110.7(234)	Registration decision
110.8(237A)	Additional requirements for child development home category A
110.9(237A)	Additional requirements for child development home category B
110.10(237A)	Additional requirements for child development home category C
110.11(237A)	Complaints
110.12(237A)	Registration actions for nonpayment of child support
110.13(237A)	Transition exception
110.14(237A)	Prohibition from involvement with child care

#### CHAPTER 111 FAMILY-LIFE HOMES

111.1(249)	Definitions
111.2(249)	Application for certification
111.3(249)	Provisions pertaining to the certificate
111.4(249)	Physical standards
111.5(249)	Personal characteristics of family-life home family
111.6(249)	Health of family
111.7(249)	Planned activities and personal effects
111.8(249)	Client eligibility
111.9(249)	Medical examinations, records, and care of a client
111.10(249)	Placement agreement
111.11(249)	Legal liabilities
111.12(249)	Emergency care and release of client
111.13(249)	Information about client to be confidential

#### CHAPTER 112 LICENSING AND REGULATION OF CHILD FOSTER CARE FACILITIES

112.1(237)	Applicability
112.2(237)	Definitions
112.3(237)	Application for license
112.4(237)	License
112.5(237)	Denial
112.6(237)	Revocation
112.7(237)	Provisional license
112.8(237)	Adverse actions
112.9(237)	Suspension
112.10(232)	Mandatory reporting of child abuse

#### CHAPTER 113 LICENSING AND REGULATION OF FOSTER FAMILY HOMES

113.1(237)	Applicability
113.2(237)	Definitions
113.3(237)	Licensing procedure
113.4(237)	Provisions pertaining to the license
113.5(237)	Physical standards
113.6(237)	Sanitation, water, and waste disposal
113.7(237)	Safety
113.8(237)	Foster parent training
113.9(237)	Involvement of kin
113.10(237)	Information on the foster child
113.11(237)	Health of foster family
113.12(237)	Characteristics of foster parents

- 113.13(237) Record checks
- 113.14(237) Reference checks
- 113.15(237) Unannounced visits
- 113.16(237) Planned activities and personal effects
- 113.17(237) Medical examinations and health care of the child
- 113.18(237) Training and discipline of foster children
- 113.19(237) Emergency care and release of children
- 113.20(237) Changes in foster family home

#### CHAPTER 114

##### LICENSING AND REGULATION OF ALL GROUP LIVING FOSTER CARE FACILITIES FOR CHILDREN

- 114.1(237) Applicability
- 114.2(237) Definitions
- 114.3(237) Physical standards
- 114.4(237) Sanitation, water, and waste disposal
- 114.5(237) Safety
- 114.6(237) Organization and administration
- 114.7(237) Policies and record-keeping requirements
- 114.8(237) Staff
- 114.9(237) Intake procedures
- 114.10(237) Program services
- 114.11(237) Case files
- 114.12(237) Drug utilization and control
- 114.13(237) Children's rights
- 114.14(237) Personal possessions
- 114.15(237) Religion—culture
- 114.16(237) Work or vocational experiences
- 114.17(237) Family involvement
- 114.18(237) Children's money
- 114.19(237) Child abuse
- 114.20(237) Discipline
- 114.21(237) Illness, accident, death, or absence from the facility
- 114.22(237) Records
- 114.23(237) Unannounced visits
- 114.24(237) Standards for private juvenile shelter care and detention homes

#### CHAPTER 115

##### LICENSING AND REGULATION OF COMPREHENSIVE RESIDENTIAL FACILITIES FOR CHILDREN

- 115.1(237) Applicability
- 115.2(237) Definitions
- 115.3(237) Information upon admission
- 115.4(237) Staff
- 115.5(237) Program services
- 115.6(237) Restraints
- 115.7(237) Control room
- 115.8(237) Locked cottages
- 115.9(237) Mechanical restraint
- 115.10(237) Chemical restraint



CHAPTER 116  
LICENSING AND REGULATION OF RESIDENTIAL FACILITIES  
FOR MENTALLY RETARDED CHILDREN

- 116.1(237)      Applicability
- 116.2(237)      Definitions
- 116.3(237)      Qualifications of staff
- 116.4(237)      Staff to client ratio
- 116.5(237)      Program components
- 116.6(237)      Restraint

CHAPTER 117  
FOSTER PARENT TRAINING

- 117.1(237)      Required preservice training
- 117.2(237)      Required orientation
- 117.3(237)      Application materials for in-service training
- 117.4(237)      Application process for in-service training
- 117.5(237)      Application decisions
- 117.6(237)      Application conference available
- 117.7(237)      Required in-service training
- 117.8(237)      Specific in-service training required
- 117.9(237)      Foster parent training expenses

CHAPTER 118  
CHILD CARE QUALITY RATING SYSTEM

- 118.1(237A)      Definitions
- 118.2(237A)      Application for quality rating
- 118.3(237A)      Rating standards for child care centers and preschools (sunsetting on July 31, 2011)
- 118.4(237A)      Rating criteria for child development homes (sunsetting on July 31, 2011)
- 118.5(237A)      Rating standards for child care centers, preschools, and programs operating under the authority of an accredited school district or nonpublic school
- 118.6(237A)      Rating criteria for child development homes
- 118.7(237A)      Award of quality rating
- 118.8(237A)      Adverse actions

CHAPTER 119  
RECORD CHECK EVALUATIONS FOR  
CERTAIN EMPLOYERS AND EDUCATIONAL TRAINING PROGRAMS

- 119.1(135B,135C)      Definitions
- 119.2(135B,135C)      When record check evaluations are requested
- 119.3(135C)      Request for evaluation
- 119.4(135B,135C)      Completion of evaluation
- 119.5(135B,135C)      Appeal rights

CHAPTERS 120 to 129  
Reserved

TITLE XIII  
*SERVICE ADMINISTRATION*

CHAPTER 130  
GENERAL PROVISIONS

- 130.1(234)      Definitions
- 130.2(234)      Application
- 130.3(234)      Eligibility

130.4(234)	Fees
130.5(234)	Adverse service actions
130.6(234)	Social casework
130.7(234)	Case plan
130.8	Reserved
130.9(234)	Entitlement

#### CHAPTER 131 SOCIAL CASEWORK

131.1(234)	Definitions
131.2(234)	Eligibility
131.3(234)	Service provision
131.4	Reserved
131.5(234)	Adverse actions

#### CHAPTER 132 Reserved

#### CHAPTER 133 IV-A EMERGENCY ASSISTANCE PROGRAM

133.1(235)	Definitions
133.2(235)	Application
133.3(235)	Eligibility
133.4(235)	Method of service provision
133.5(235)	Duration of services
133.6(235)	Discontinuance of the program

#### CHAPTERS 134 to 141 Reserved

#### CHAPTER 142 INTERSTATE COMPACT ON THE PLACEMENT OF CHILDREN

142.1(238)	Compact agreement
142.2(238)	Compact administrator
142.3(238)	Article II(d)
142.4(238)	Article III(a)
142.5(238)	Article III(a) procedures
142.6(238)	Article III(c)
142.7(238)	Article VIII(a)
142.8(238)	Applicability

#### CHAPTER 143 INTERSTATE COMPACT ON JUVENILES

143.1(232)	Compact agreement
143.2(232)	Compact administrator
143.3(232)	Sending a juvenile out of Iowa under the compact
143.4(232)	Receiving cases in Iowa under the interstate compact
143.5(232)	Runaways

#### CHAPTERS 144 to 149 Reserved

TITLE XIV  
GRANT/CONTRACT/PAYMENT ADMINISTRATION

CHAPTER 150  
PURCHASE OF SERVICE

DIVISION I  
TERMS AND CONDITIONS FOR IOWA PURCHASE OF SOCIAL SERVICES AGENCY AND  
INDIVIDUAL CONTRACTS, IOWA PURCHASE OF ADMINISTRATIVE SUPPORT, AND  
IOWA DONATIONS OF FUNDS CONTRACT AND PROVISIONS FOR PUBLIC ACCESS TO CONTRACTS

150.1(234)	Definitions
150.2(234)	Categories of contracts
150.3(234)	Iowa purchase of social services agency contract
150.4(234)	Iowa purchase of social services contract—individual providers
150.5(234)	Iowa purchase of administrative support
150.6 to 150.8	Reserved
150.9(234)	Public access to contracts

CHAPTER 151  
JUVENILE COURT SERVICES DIRECTED PROGRAMS

DIVISION I  
GENERAL PROVISIONS

151.1(232)	Definitions
151.2(232)	Administration of funds for court-ordered services and graduated sanction services
151.3(232)	Administration of juvenile court services programs within each judicial district
151.4(232)	Billing and payment
151.5(232)	Appeals
151.6(232)	District program reviews and audits
151.7 to 151.19	Reserved

DIVISION II  
COURT-ORDERED SERVICES

151.20(232)	Juvenile court services responsibilities
151.21(232)	Certification process
151.22(232)	Expenses
151.23 to 151.29	Reserved

DIVISION III  
GRADUATED SANCTION SERVICES

151.30(232)	Life skills
151.31(232)	School-based supervision
151.32(232)	Supervised community treatment
151.33(232)	Tracking, monitoring, and outreach
151.34(232)	Administration of graduated sanction services
151.35(232)	Contract development for graduated sanction services

CHAPTER 152  
FOSTER GROUP CARE CONTRACTING

152.1(234)	Definitions
152.2(234)	Conditions of participation
152.3(234)	Determination of rates
152.4(234)	Initiation of contract proposal
152.5(234)	Contract
152.6(234)	Client eligibility and referral
152.7(234)	Billing procedures
152.8(234)	Contract management

- 152.9(234) Provider reviews
- 152.10(234) Sanctions against providers
- 152.11(234) Appeals of departmental actions

## CHAPTER 153 FUNDING FOR LOCAL SERVICES

### DIVISION I SOCIAL SERVICES BLOCK GRANT

- 153.1(234) Definitions
- 153.2(234) Development of preexpenditure report
- 153.3(234) Amendment to preexpenditure report
- 153.4(234) Service availability
- 153.5(234) Allocation of block grant funds
- 153.6 and 153.7 Reserved
- 153.8(234) Expenditure of supplemental funds
- 153.9 and 153.10 Reserved

### DIVISION II DECATEGORIZATION OF CHILD WELFARE AND JUVENILE JUSTICE FUNDING

- 153.11(232) Definitions
- 153.12(232) Implementation requirements
- 153.13(232) Role and responsibilities of decategorization project governance boards
- 153.14(232) Realignment of decategorization project boundaries
- 153.15(232) Decategorization services funding pool
- 153.16(232) Relationship of decategorization funding pool to other department child welfare funding
- 153.17(232) Relationship of decategorization funding pool to juvenile court services funding streams
- 153.18(232) Requirements for annual services plan
- 153.19(232) Requirements for annual progress report
- 153.20 to 153.30 Reserved

### DIVISION III MENTAL ILLNESS, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES—LOCAL SERVICES

- 153.31 to 153.50 Reserved

### DIVISION IV STATE PAYMENT PROGRAM FOR LOCAL MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES SERVICES TO ADULTS WITHOUT LEGAL SETTLEMENT

- 153.51(331) Definitions
- 153.52(331) Eligibility requirements
- 153.53(331) Application procedure
- 153.54(331) Eligibility determination
- 153.55(331) Eligible services
- 153.56(331) Program administration
- 153.57(331) Reduction, denial, or termination of benefits
- 153.58(331) Appeals

## CHAPTER 154 Reserved

CHAPTER 155  
CHILD ABUSE PREVENTION PROGRAM

- 155.1(235A) Definitions
- 155.2(235A) Contract for program administration
- 155.3(235A) Awarding of grants

CHAPTER 156  
PAYMENTS FOR FOSTER CARE

- 156.1(234) Definitions
- 156.2(234) Foster care recovery
- 156.3 to 156.5 Reserved
- 156.6(234) Rate of maintenance payment for foster family care
- 156.7 Reserved
- 156.8(234) Additional payments
- 156.9(234) Rate of payment for foster group care
- 156.10(234) Payment for reserve bed days
- 156.11(234) Emergency care
- 156.12(234) Supervised apartment living
- 156.13 Reserved
- 156.14(234,252C) Voluntary placements
- 156.15(234) Child's earnings
- 156.16(234) Trust funds and investments
- 156.17(234) Preadoptive homes
- 156.18 Reserved
- 156.19(237) Rate of payment for care in a residential care facility
- 156.20(234) Eligibility for foster care payment

CHAPTER 157  
Reserved

CHAPTER 158  
FOSTER HOME INSURANCE FUND

- 158.1(237) Payments from the foster home insurance fund
- 158.2(237) Payment limits
- 158.3(237) Claim procedures
- 158.4(237) Time frames for filing claims
- 158.5(237) Appeals

CHAPTER 159  
CHILD CARE RESOURCE AND REFERRAL SERVICES

- 159.1(237A) Definitions
- 159.2(237A) Availability of funds
- 159.3(237A) Participation requirements
- 159.4(237A) Request for proposals for project grants
- 159.5(237A) Selection of proposals

CHAPTER 160  
ADOPTION OPPORTUNITY GRANT PROGRAM

- 160.1(234) Definitions
- 160.2(234) Availability of grant funds
- 160.3(234) Project eligibility
- 160.4(234) Request for proposals for project grants
- 160.5(234) Selection of proposals

160.6(234)	Project contracts
160.7(234)	Records
160.8(234)	Evaluation of projects
160.9(234)	Termination
160.10(234)	Appeals

## CHAPTER 161

## IOWA SENIOR LIVING TRUST FUND

161.1(249H)	Definitions
161.2(249H)	Funding and operation of trust fund
161.3(249H)	Allocations from the senior living trust fund
161.4(249H)	Participation by government-owned nursing facilities

## CHAPTER 162

NURSING FACILITY CONVERSION  
AND LONG-TERM CARE SERVICES  
DEVELOPMENT GRANTS

162.1(249H)	Definitions
162.2(249H)	Availability of grants
162.3(249H)	Grant eligibility
162.4(249H)	Grant application process
162.5(249H)	Grant dispersal stages
162.6(249H)	Project contracts
162.7(249H)	Grantee responsibilities
162.8(249H)	Offset
162.9(249H)	Appeals

## CHAPTER 163

ADOLESCENT PREGNANCY PREVENTION AND SERVICES  
TO PREGNANT AND PARENTING ADOLESCENTS  
PROGRAMS

163.1(234)	Definitions
163.2(234)	Availability of grants for projects
163.3(234)	Project eligibility
163.4(234)	Request for proposals for pilot project grants
163.5(234)	Selection of proposals
163.6(234)	Project contracts
163.7(234)	Records
163.8(234)	Evaluation
163.9(234)	Termination of contract
163.10(234)	Appeals

## CHAPTER 164

## IOWA HOSPITAL TRUST FUND

164.1(249I)	Definitions
164.2(249I)	Funding and operation of trust fund
164.3(249I)	Allocations from the hospital trust fund
164.4(249I)	Participation by public hospitals

## CHAPTER 165

## Reserved

CHAPTER 166  
QUALITY IMPROVEMENT INITIATIVE GRANTS

166.1(249A)	Definitions
166.2(249A)	Availability of grants
166.3(249A)	Requirements for applicants
166.4(249A)	Requirements for initiatives
166.5(249A)	Applications
166.6(249A)	Awarding of grants
166.7(249A)	Grant requirements

CHAPTER 167  
JUVENILE DETENTION REIMBURSEMENT

DIVISION I  
ANNUAL REIMBURSEMENT PROGRAM

167.1(232)	Definitions
167.2(232)	Availability of funds
167.3(232)	Eligible facilities
167.4(232)	Available reimbursement
167.5(232)	Submission of voucher
167.6(232)	Reimbursement by the department

CHAPTER 168  
CHILD CARE EXPANSION PROGRAMS

168.1(234)	Definitions
168.2(234)	Availability of funds
168.3(234)	Eligibility requirements
168.4(234)	Request for proposals
168.5(234)	Selection of proposals
168.6(234)	Appeals
168.7(234)	Contracts
168.8(234)	Reporting requirements
168.9(234)	Termination of contract

CHAPTER 169  
Reserved

TITLE XV  
*INDIVIDUAL AND FAMILY SUPPORT  
AND PROTECTIVE SERVICES*

CHAPTER 170  
CHILD CARE SERVICES

170.1(237A)	Definitions
170.2(237A,239B)	Eligibility requirements
170.3(237A,239B)	Application and determination of eligibility
170.4(237A)	Elements of service provision
170.5(237A)	Adverse actions
170.6(237A)	Appeals
170.7(237A)	Provider fraud
170.8	Reserved
170.9(237A)	Child care assistance overpayments

CHAPTER 171  
Reserved

CHAPTER 172  
FAMILY-CENTERED CHILD WELFARE SERVICES

DIVISION I  
GENERAL PROVISIONS

172.1(234)	Definitions
172.2(234)	Purpose and scope
172.3(234)	Authorization
172.4(234)	Reimbursement
172.5(234)	Client appeals
172.6(234)	Reviews and audits
172.7 to 172.9	Reserved

DIVISION II  
SAFETY PLAN SERVICES

172.10(234)	Service requirements
172.11(234)	Contractor selection
172.12(234)	Service eligibility
172.13(234)	Service components
172.14(234)	Monitoring of service delivery
172.15(234)	Billing and payment
172.16 to 172.19	Reserved

DIVISION III  
FAMILY SAFETY, RISK, AND PERMANENCY SERVICES

172.20(234)	Service requirements
172.21(234)	Contractor selection
172.22(234)	Service eligibility
172.23(234)	Service components
172.24(234)	Monitoring of service delivery
172.25(234)	Billing and payment
172.26 to 172.29	Reserved

DIVISION IV  
FAMILY-CENTERED SUPPORTIVE SERVICES

172.30(234)	Service components
172.31(234)	Contractor selection
172.32(234)	Service eligibility
172.33(234)	Monitoring of service delivery
172.34(234)	Billing and payment

CHAPTERS 173 and 174  
Reserved

CHAPTER 175  
ABUSE OF CHILDREN

DIVISION I  
CHILD ABUSE

175.1 to 175.20	Reserved
-----------------	----------

DIVISION II  
CHILD ABUSE ASSESSMENT

175.21(232,235A)	Definitions
175.22(232)	Receipt of a report of suspected child abuse
175.23(232)	Sources of report of suspected child abuse
175.24(232)	Assessment intake process
175.25(232)	Assessment process



175.26(232)	Completion of a written assessment report
175.27(232)	Contact with juvenile court or the county attorney
175.28(232)	Consultation with health practitioners or mental health professionals
175.29(232)	Consultation with law enforcement
175.30(232)	Information shared with law enforcement
175.31(232)	Completion of required correspondence
175.32(232,235A)	Case records
175.33(232,235A)	Child protection centers
175.34(232)	Department-operated facilities
175.35(232,235A)	Jurisdiction of assessments
175.36(235A)	Multidisciplinary teams
175.37(232)	Community education
175.38(235)	Written authorizations
175.39(232)	Founded child abuse
175.40	Reserved
175.41(235A)	Access to child abuse information
175.42(235A)	Person conducting research
175.43(235A)	Child protection services citizen review panels

#### CHAPTER 176 DEPENDENT ADULT ABUSE

176.1(235B)	Definitions
176.2(235B)	Denial of critical care
176.3(235B)	Appropriate evaluation
176.4(235B)	Reporters
176.5(235B)	Reporting procedure
176.6(235B)	Duties of the department upon receipt of report
176.7(235B)	Appropriate evaluation or assessment
176.8(235B)	Immunity from liability for reporters
176.9(235B)	Registry records
176.10(235B)	Adult abuse information disseminated
176.11(235B)	Person conducting research
176.12(235B)	Examination of information
176.13(235B)	Dependent adult abuse information registry
176.14	Reserved
176.15(235B)	Multidisciplinary teams
176.16(235B)	Medical and mental health examinations
176.17(235B)	Request for correction or expungement

#### CHAPTER 177 IN-HOME HEALTH RELATED CARE

177.1(249)	In-home health related care
177.2(249)	Own home
177.3(249)	Service criteria
177.4(249)	Eligibility
177.5(249)	Providers of health care services
177.6(249)	Health care plan
177.7(249)	Client participation
177.8(249)	Determination of reasonable charges
177.9(249)	Written agreements
177.10(249)	Emergency services
177.11(249)	Termination

## CHAPTERS 178 to 183

Reserved

## CHAPTER 184

## INDIVIDUAL AND FAMILY DIRECT SUPPORT

## DIVISION I

## FAMILY SUPPORT SUBSIDY PROGRAM

184.1(225C)	Definitions
184.2(225C)	Eligibility requirements
184.3(225C)	Application process
184.4(225C)	Family support services plan
184.5	Reserved
184.6(225C)	Amount of subsidy payment
184.7(225C)	Redetermination of eligibility
184.8(225C)	Termination of subsidy payments
184.9(225C)	Appeals
184.10 to 184.20	Reserved

## DIVISION II

## COMPREHENSIVE FAMILY SUPPORT PROGRAM

184.21(225C)	Definitions
184.22(225C)	Eligibility
184.23(225C)	Application
184.24(225C)	Contractor selection and duties
184.25(225C)	Direct assistance
184.26(225C)	Appeals
184.27(225C)	Parent advisory council

## CHAPTER 185

Reserved

## CHAPTER 186

## COMMUNITY CARE

186.1(234)	Definitions
186.2(234)	Eligibility
186.3(234)	Services provided
186.4(234)	Appeals

## CHAPTER 187

## AFTERCARE SERVICES PROGRAM

## DIVISION I

## AFTERCARE SERVICES

187.1(234)	Purpose
187.2(234)	Aftercare services program eligibility requirements
187.3(234)	Services and supports provided
187.4(234)	Termination
187.5(234)	Waiting list
187.6(234)	Administration
187.7 to 187.9	Reserved

## DIVISION II

## PREPARATION FOR ADULT LIVING (PAL) PROGRAM COMPONENT

187.10(234)	Purpose
187.11(234)	PAL program component eligibility requirements
187.12(234)	Payment

187.13(234)	Termination of stipend
187.14(234)	Waiting list
187.15(234)	Administration

## CHAPTERS 188 to 199

## Reserved

## TITLE XVI

*ALTERNATIVE LIVING*

## CHAPTER 200

## ADOPTION SERVICES

200.1(600)	Definitions
200.2(600)	Release of custody services
200.3(600)	Application
200.4(600)	Adoption services
200.5(600)	Termination of parental rights
200.6 and 200.7	Reserved
200.8(600)	Interstate placements
200.9	Reserved
200.10(600)	Requests for home studies
200.11(600)	Reasons for denial
200.12(600)	Removal of child from preadoptive family
200.13(600)	Consents
200.14(600)	Requests for access to information for research or treatment
200.15(600)	Requests for information for purposes other than research or treatment
200.16(600)	Appeals

## CHAPTER 201

## SUBSIDIZED ADOPTIONS

201.1(600)	Administration
201.2(600)	Definitions
201.3(600)	Conditions of eligibility or ineligibility
201.4(600)	Application
201.5(600)	Negotiation of amount of presubsidy or subsidy
201.6(600)	Types of subsidy
201.7(600)	Termination of subsidy
201.8(600)	Reinstatement of subsidy
201.9(600)	New application
201.10(600)	Medical assistance based on residency
201.11(600)	Presubsidy recovery

## CHAPTER 202

## FOSTER CARE PLACEMENT AND SERVICES

202.1(234)	Definitions
202.2(234)	Eligibility
202.3(234)	Voluntary placements
202.4(234)	Selection of facility
202.5(234)	Preplacement
202.6(234)	Placement
202.7(234)	Out-of-area placements
202.8(234)	Out-of-state placements
202.9(234)	Supervised apartment living
202.10(234)	Services to foster parents

202.11(234)	Services to the child
202.12(234)	Services to parents
202.13(234)	Removal of the child
202.14(234)	Termination
202.15(234)	Case permanency plan
202.16(135H)	Department approval of need for a psychiatric medical institution for children
202.17(232)	Area group care targets
202.18(235)	Local transition committees

#### CHAPTER 203

##### IOWA ADOPTION EXCHANGE

203.1(232)	Definitions
203.2(232)	Children to be registered on the exchange system
203.3(232)	Families to be registered on the exchange system
203.4(232)	Matching process

#### CHAPTER 204

##### SUBSIDIZED GUARDIANSHIP PROGRAM

204.1(234)	Definitions
204.2(234)	Eligibility
204.3(234)	Application
204.4(234)	Negotiation of amount of subsidy
204.5(234)	Parental liability
204.6(234)	Termination of subsidy
204.7(234)	Reinstatement of subsidy
204.8(234)	Appeals
204.9(234)	Medical assistance

## CHAPTER 51 ELIGIBILITY

[Prior to 7/1/83, Social Services[770] Ch 51]

[Prior to 2/11/87, Human Services[498]]

**441—51.1(249) Application for other benefits.** An applicant or any other person whose needs are included in determining the state supplementary assistance payment must have applied for or be receiving all other benefits, including supplemental security income or the family investment program, for which the person may be eligible. The person must cooperate in the eligibility procedures while making application for the other benefits. Failure to cooperate shall result in ineligibility for state supplementary assistance.

This rule is intended to implement Iowa Code section 249.3.

**441—51.2(249) Supplementation.** Any supplemental payment made on behalf of the recipient from any source other than a nonfederal governmental entity shall be considered as income, and the payment shall be used to reduce the state supplementary assistance payment.

**441—51.3(249) Eligibility for residential care.**

**51.3(1) Licensed facility.** Payment for residential care shall be made only when the facility in which the applicant or recipient is residing is currently licensed by the department of inspections and appeals pursuant to laws governing health care facilities.

**51.3(2) Physician's statement.** Payment for residential care shall be made only when there is on file an order written by a physician certifying that the applicant or recipient being admitted requires residential care but does not require nursing services. The certification shall be updated whenever a change in the recipient's physical condition warrants reevaluation, but no less than every 12 months.

**51.3(3) Income eligibility.** The resident shall be income eligible when the income according to 441—paragraph 52.1(3) "a" is less than 31 times the per diem rate of the facility. Partners in a marriage who both enter the same room of the residential care facility in the same month shall be income eligible for the initial month when their combined income according to 441—paragraph 52.1(3) "a" is less than twice the amount of allowed income for one person (31 times the per diem rate of the facility).

**51.3(4) Diversion of income.** Rescinded IAB 5/1/91, effective 7/1/91.

**51.3(5) Resources.** Rescinded IAB 5/1/91, effective 7/1/91.

This rule is intended to implement Iowa Code section 249.3.

**441—51.4(249) Dependent relatives.**

**51.4(1) Income.** Income of a dependent relative shall be less than \$377. When the dependent's income is from earnings, an exemption of \$65 shall be allowed to cover work expense.

**51.4(2) Resources.** The resource limitation for a recipient and a dependent child or parent shall be \$2,000. The resource limitation for a recipient and a dependent spouse shall be \$3,000. The resource limitation for a recipient, spouse, and dependent child or parent shall be \$3,000.

**51.4(3) Living in the home.** A dependent relative shall be eligible until out of the recipient's home for a full calendar month starting at 12:01 a.m. on the first day of the month until 12 midnight on the last day of the same month.

**51.4(4) Dependency.** A dependent relative may be the recipient's ineligible spouse, parent, child, or adult child who is financially dependent upon the recipient. A relative shall not be considered to be financially dependent upon the recipient when the relative is living with a spouse who is not the recipient.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

[ARC 7605B, IAB 3/11/09, effective 4/15/09; ARC 9965B, IAB 1/11/12, effective 1/1/12; ARC 0064C, IAB 4/4/12, effective 5/9/12; ARC 0489C, IAB 12/12/12, effective 1/1/13; ARC 0633C, IAB 3/6/13, effective 5/1/13; ARC 1268C, IAB 1/8/14, effective 1/1/14; ARC 1352C, IAB 3/5/14, effective 4/9/14; ARC 1813C, IAB 1/7/15, effective 1/1/15; ARC 1892C, IAB 3/4/15, effective 4/8/15]

**441—51.5(249) Residence.** A recipient of state supplementary assistance shall be living in the state of Iowa.

This rule is intended to implement Iowa Code section 249.3.

**441—51.6(249) Eligibility for supplement for Medicare and Medicaid eligibles.** The following eligibility requirements are specific to the supplement for Medicare and Medicaid eligibles:

**51.6(1) Medicaid eligibility.** The recipient must be eligible for and receiving full medical assistance benefits under Iowa Code chapter 249A without regard to eligibility based on receipt of state supplementary assistance under this rule, and without being required to meet a spenddown or pay a premium to be eligible for medical assistance benefits.

**51.6(2) SSI eligibility.** The recipient shall meet all eligibility requirements for supplemental security income benefits other than limits on substantial gainful activity and income.

**51.6(3) Not otherwise eligible.** The recipient must not be eligible for benefits under another state supplementary assistance group.

**51.6(4) Medicare eligibility.** The recipient must be currently eligible for Medicare Part B.

**51.6(5) Living arrangement.** A recipient may live in one of the following:

- a. The person's own home.
- b. The home of another person.
- c. A group living arrangement.
- d. A medical facility.

**51.6(6) Income.** Income of a recipient shall be within the income limit for the person's Medicaid eligibility group, but must exceed 120 percent of the federal poverty level.

This rule is intended to implement Iowa Code section 249.3 as amended by 2005 Iowa Acts, House File 825, section 108.

**441—51.7(249) Income from providing room and board.** In determining profit from furnishing room and board or providing family life home care, \$377 per month shall be deducted to cover the cost, and the remaining amount treated as earned income.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

[ARC 7605B, IAB 3/11/09, effective 4/15/09; ARC 9965B, IAB 1/11/12, effective 1/1/12; ARC 0064C, IAB 4/4/12, effective 5/9/12; ARC 0489C, IAB 12/12/12, effective 1/1/13; ARC 0633C, IAB 3/6/13, effective 5/1/13; ARC 1268C, IAB 1/8/14, effective 1/1/14; ARC 1352C, IAB 3/5/14, effective 4/9/14; ARC 1813C, IAB 1/7/15, effective 1/1/15; ARC 1892C, IAB 3/4/15, effective 4/8/15]

**441—51.8(249) Furnishing of social security number.** As a condition of eligibility applicants or recipients of state supplementary assistance must furnish their social security account numbers or proof of application for the numbers if they have not been issued or are not known and provide their numbers upon receipt.

Assistance shall not be denied, delayed, or discontinued pending the issuance or verification of the numbers when the applicants or recipients are cooperating in providing information necessary for issuance of their social security numbers.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

**441—51.9(249) Recovery.**

**51.9(1) Definitions.**

*"Administrative overpayment"* means assistance incorrectly paid to or for the client because of continuing assistance during the appeal process.

*"Agency error"* means assistance incorrectly paid to or for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Misfiling or loss of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the local office.
6. Failure to make prompt revisions in payment following changes in policies requiring the changes as of a specific date.

*"Client"* means a current or former applicant or recipient of state supplementary assistance.

“*Client error*” means assistance incorrectly paid to or for the client because the client or client’s representative failed to disclose information, or gave false or misleading statements, oral or written, regarding the client’s income, resources, or other eligibility and benefit factors. It also means assistance incorrectly paid to or for the client because of failure by the client or client’s representative to timely report as defined in rule 441—76.10(249A).

“*Department*” means the department of human services.

**51.9(2) *Amount subject to recovery.*** The department shall recover from a client all state supplementary assistance funds incorrectly expended to or on behalf of the client, or when conditional benefits have been granted.

*a.* The department also shall seek to recover the state supplementary assistance granted during the period of time that conditional benefits were correctly granted the client under the policies of the supplemental security income program.

*b.* The incorrect expenditures may result from client or agency error, or administrative overpayment.

**51.9(3) *Notification.*** All clients shall be promptly notified when it is determined that assistance was incorrectly expended. Notification shall include for whom assistance was paid; the time period during which assistance was incorrectly paid; the amount of assistance subject to recovery, when known; and the reason for the incorrect expenditure.

**51.9(4) *Source of recovery.*** Recovery shall be made from the client or from parents of children under the age of 21 when the parents completed the application and had responsibility for reporting changes. Recovery must come from income, resources, the estate, income tax refunds, and lottery winnings of the client.

**51.9(5) *Repayment.*** The repayment of incorrectly expended state supplementary assistance funds shall be made to the department.

**51.9(6) *Appeals.*** The client shall have the right to appeal the amount of funds subject to recovery under the provisions of 441—Chapter 7.

This rule is intended to implement Iowa Code sections 249.3 and 249.4.

[Filed 2/19/76, Notice 1/12/76—published 3/8/76, effective 4/12/76]

[Filed 6/25/76, Notice 5/17/76—published 7/12/76, effective 8/16/76]

[Filed 12/17/76, Notice 11/3/76—published 1/12/77, effective 3/1/77]

[Filed emergency 5/24/77—published 6/15/77 effective 7/1/77]

[Filed 3/27/78, Notice 2/8/78—published 4/19/78, effective 5/24/78]

[Filed emergency 6/28/78—published 7/26/78, effective 7/1/78]

[Filed 7/17/78, Notice 5/31/78—published 8/9/78, effective 9/13/78]

[Filed emergency 6/26/79—published 7/25/79, effective 7/1/79]

[Filed emergency 6/30/80—published 7/23/80, effective 7/1/80]

[Filed emergency 6/30/81—published 7/22/81, effective 7/1/81]

[Filed 6/30/81, Notice 4/29/81—published 7/22/81, effective 9/1/81]

[Filed 10/23/81, Notice 9/2/81—published 11/11/81, effective 1/1/82]

[Filed 11/20/81, Notice 9/30/81—published 12/9/81, effective 2/1/82]

[Filed emergency 9/23/82—published 10/13/82, effective 9/23/82]

[Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]

[Filed emergency 11/18/83, after Notice 10/12/83—published 12/7/83, effective 1/1/84]

[Filed emergency 12/11/84—published 1/2/85, effective 1/1/85]

[Filed without Notice 1/22/85—published 2/13/85, effective 4/1/85]

[Filed 3/22/85, Notice 2/13/85—published 4/10/85, effective 6/1/85]

[Filed emergency 12/2/85—published 12/18/85, effective 1/1/86]

[Filed 4/29/86, Notice 3/12/86—published 5/21/86, effective 8/1/86]

[Filed emergency 12/22/86—published 1/14/87, effective 1/1/87]

[Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]

[Filed emergency 12/10/87—published 12/30/87, effective 1/1/88]

[Filed emergency 12/8/88—published 12/28/88, effective 1/1/89]

[Filed emergency 11/16/89—published 12/13/89, effective 1/1/90]  
[Filed 2/16/90, Notice 12/13/89—published 3/7/90, effective 5/1/90]  
[Filed emergency 12/13/90—published 1/9/91, effective 1/1/91]  
[Filed 12/13/90, Notice 10/31/90—published 1/9/91, effective 3/1/91]  
[Filed 2/14/91, Notice 1/9/91—published 3/6/91, effective 5/1/91]  
[Filed 4/11/91, Notice 3/6/91—published 5/1/91, effective 7/1/91]  
[Filed emergency 12/11/91—published 1/8/92, effective 1/1/92]  
[Filed 2/13/92, Notices 12/25/91, 1/8/92—published 3/4/92, effective 5/1/92]  
[Filed emergency 12/1/92—published 12/23/92, effective 1/1/93]  
[Filed 2/10/93, Notice 12/23/92—published 3/3/93, effective 5/1/93]  
[Filed emergency 12/16/93—published 1/5/94, effective 1/1/94]  
[Filed 12/16/93, Notice 10/27/93—published 1/5/94, effective 3/1/94]  
[Filed 2/10/94, Notice 1/5/94—published 3/2/94, effective 5/1/94]  
[Filed emergency 12/15/94—published 1/4/95, effective 1/1/95]  
[Filed 2/16/95, Notice 1/4/95—published 3/15/95, effective 5/1/95]  
[Filed emergency 12/12/95—published 1/3/96, effective 1/1/96]  
[Filed 2/14/96, Notice 1/3/96—published 3/13/96, effective 5/1/96]  
[Filed emergency 12/12/96—published 1/1/97, effective 1/1/97]  
[Filed 2/12/97, Notice 1/1/97—published 3/12/97, effective 5/1/97]  
[Filed emergency 12/10/97—published 12/31/97, effective 1/1/98]  
[Filed 2/11/98, Notice 12/31/97—published 3/11/98, effective 5/1/98]  
[Filed emergency 12/9/98—published 12/30/98, effective 1/1/99]  
[Filed 2/10/99, Notice 12/30/98—published 3/10/99, effective 4/15/99]  
[Filed emergency 12/8/99—published 12/29/99, effective 1/1/00]  
[Filed 2/9/00, Notice 12/29/99—published 3/8/00, effective 5/1/00]  
[Filed emergency 12/14/00—published 1/10/01, effective 1/1/01]  
[Filed 2/14/01, Notice 1/10/01—published 3/7/01, effective 5/1/01]  
[Filed emergency 12/12/01—published 1/9/02, effective 1/1/02]  
[Filed 2/14/02, Notice 1/9/02—published 3/6/02, effective 5/1/02]  
[Filed emergency 5/9/02—published 5/29/02, effective 6/1/02]  
[Filed 7/15/02, Notice 5/29/02—published 8/7/02, effective 10/1/02]  
[Filed emergency 12/12/02—published 1/8/03, effective 1/1/03]  
[Filed emergency 11/19/03—published 12/10/03, effective 1/1/04]  
[Filed emergency 8/12/04 after Notice 6/23/04—published 9/1/04, effective 8/12/04]  
[Filed emergency 12/14/04—published 1/5/05, effective 1/1/05]  
[Filed 2/10/05, Notice 1/5/05—published 3/2/05, effective 4/6/05]  
[Filed emergency 6/17/05—published 7/6/05, effective 7/1/05]  
[Filed 10/21/05, Notice 7/6/05—published 11/9/05, effective 12/14/05]  
[Filed emergency 12/14/05—published 1/4/06, effective 1/1/06]  
[Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]  
[Filed emergency 12/13/06—published 1/3/07, effective 1/1/07]  
[Filed 3/14/07, Notice 1/3/07—published 4/11/07, effective 5/16/07]  
[Filed emergency 12/12/07—published 1/2/08, effective 1/1/08]  
[Filed 3/12/08, Notice 1/2/08—published 4/9/08, effective 5/14/08]  
[Filed emergency 12/10/08—published 12/31/08, effective 1/1/09]  
[Filed ARC 7605B (Notice ARC 7472B, IAB 12/31/08), IAB 3/11/09, effective 4/15/09]  
[Filed Emergency ARC 9965B, IAB 1/11/12, effective 1/1/12]  
[Filed ARC 0064C (Notice ARC 9964B, IAB 1/11/12), IAB 4/4/12, effective 5/9/12]  
[Filed Emergency ARC 0489C, IAB 12/12/12, effective 1/1/13]  
[Filed ARC 0633C (Notice ARC 0488C, IAB 12/12/12), IAB 3/6/13, effective 5/1/13]  
[Filed Emergency ARC 1268C, IAB 1/8/14, effective 1/1/14]  
[Filed ARC 1352C (Notice ARC 1267C, IAB 1/8/14), IAB 3/5/14, effective 4/9/14]



[Filed Emergency ARC 1813C, IAB 1/7/15, effective 1/1/15]

[Filed ARC 1892C (Notice ARC 1812C, IAB 1/7/15), IAB 3/4/15, effective 4/8/15]



## CHAPTER 52

## PAYMENT

[Prior to 7/1/83, Social Services[770] Ch 52]

[Prior to 2/11/87, Human Services[498]]

**441—52.1(249) Assistance standards.** Assistance standards are the amounts of money allowed on a monthly basis to recipients of state supplementary assistance in determining financial need and the amount of assistance granted.

**52.1(1) Protective living arrangement.** The following assistance standards have been established for state supplementary assistance for persons living in a family-life home certified under rules in 441—Chapter 111.

\$794	Care allowance
\$101	Personal allowance
<hr/> \$895	Total

**52.1(2) Dependent relative.** The following assistance standards have been established for state supplementary assistance for dependent relatives residing in a recipient's home.

<i>a.</i> Aged or disabled client and a dependent relative . . . . .	\$1,110
<i>b.</i> Aged or disabled client, eligible spouse, and a dependent relative . . . . .	\$1,477
<i>c.</i> Blind client and a dependent relative . . . . .	\$1,132
<i>d.</i> Blind client, aged or disabled spouse, and a dependent relative . . . . .	\$1,499
<i>e.</i> Blind client, blind spouse, and a dependent relative . . . . .	\$1,521

**52.1(3) Residential care.** Payment to a recipient in a residential care facility shall be made on a flat per diem rate of \$17.86 or on a cost-related reimbursement system with a maximum per diem rate of \$30.05. The department shall establish a cost-related per diem rate for each facility choosing this method of payment according to rule 441—54.3(249).

The facility shall accept the per diem rate established by the department for state supplementary assistance recipients as payment in full from the recipient and make no additional charges to the recipient.

*a.* All income of a recipient as described in this subrule after the disregards described in this subrule shall be applied to meet the cost of care before payment is made through the state supplementary assistance program.

Income applied to meet the cost of care shall be the income considered available to the resident pursuant to supplemental security income (SSI) policy plus the SSI benefit less the following monthly disregards applied in the order specified:

(1) When income is earned, impairment related work expenses, as defined by SSI plus \$65 plus one-half of any remaining earned income.

(2) An allowance of \$101 to meet personal expenses and Medicaid copayment expenses.

(3) When there is a spouse at home, the amount of the SSI benefit for an individual minus the spouse's countable income according to SSI policies. When the spouse at home has been determined eligible for SSI benefits, no income disregard shall be made.

(4) When there is a dependent child living with the spouse at home who meets the definition of a dependent according to the SSI program, the amount of the SSI allowance for a dependent minus the dependent's countable income and the amount of income from the parent at home that exceeds the SSI benefit for one according to SSI policies.

(5) Established unmet medical needs of the resident, excluding private health insurance premiums and Medicaid copayment expenses. Unmet medical needs of the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, shall be an additional deduction when the countable income of the spouse at home is not sufficient to cover those expenses. Unmet medical needs of the dependent living with the spouse at home, exclusive of health insurance premiums and Medicaid copayment expenses, shall also be deducted when the countable income of the dependent and the income of the parent at home that exceeds the SSI benefit for one is not sufficient to cover the expenses.

(6) The income of recipients of state supplementary assistance or Medicaid needed to pay the cost of care in another residential care facility, a family-life home, an in-home health-related care provider, a home- and community-based waiver setting, or a medical institution is not available to apply to the cost of care. The income of a resident who lived at home in the month of entry shall not be applied to the cost of care except to the extent the income exceeds the SSI benefit for one person or for a married couple if the resident also had a spouse living in the home in the month of entry.

*b.* Payment is made for only the days the recipient is a resident of the facility. Payment shall be made for the date of entry into the facility, but not the date of death or discharge.

*c.* Payment shall be made in the form of a grant to the recipient on a post payment basis.

*d.* Payment shall not be made when income is sufficient to pay the cost of care in a month with less than 31 days, but the recipient shall remain eligible for all other benefits of the program.

*e.* Payment will be made for periods the resident is absent overnight for the purpose of visitation or vacation. The facility will be paid to hold the bed for a period not to exceed 30 days during any calendar year, unless a family member or legal guardian of the resident, the resident's physician, case manager, or department service worker provides signed documentation that additional visitation days are desired by the resident and are for the benefit of the resident. This documentation shall be obtained by the facility for each period of paid absence which exceeds the 30-day annual limit. This information shall be retained in the resident's personal file. If documentation is not available to justify periods of absence in excess of the 30-day annual limit, the facility shall submit a Case Activity Report, Form 470-0042, to the county office of the department to terminate the state supplementary assistance payment.

A family member may contribute to the cost of care for a resident subject to supplementation provisions at rule 441—51.2(249) and any contributions shall be reported to the county office of the department by the facility.

*f.* Payment will be made for a period not to exceed 20 days in any calendar month when the resident is absent due to hospitalization. A resident may not start state supplementary assistance on reserve bed days.

*g.* The per diem rate established for recipients of state supplementary assistance shall not exceed the average rate established by the facility for private pay residents.

(1) Residents placed in a facility by another governmental agency are not considered private paying individuals. Payments received by the facility from such an agency shall not be included in determining the average rate for private paying residents.

(2) To compute the facilitywide average rate for private paying residents, the facility shall accumulate total monthly charges for those individuals over a six-month period and divide by the total patient days care provided to this group during the same period of time.

**52.1(4) *Blind.*** The standard for a blind recipient not receiving another type of state supplementary assistance is \$22 per month.

**52.1(5) *In-home, health-related care.*** Payment to a person receiving in-home, health-related care shall be made in accordance with rules in 441—Chapter 177.

**52.1(6) *Minimum income level cases.*** The income level of those persons receiving old age assistance, aid to the blind, and aid to the disabled in December 1973 shall be maintained at the December 1973 level as long as the recipient's circumstances remain unchanged and that income level is above current standards. In determining the continuing eligibility for the minimum income level, the income limits, resource limits, and exclusions which were in effect in October 1972 shall be utilized.

**52.1(7) *Supplement for Medicare and Medicaid eligibles.*** Payment to a person eligible for the supplement for Medicare and Medicaid eligibles shall be \$1 per month.

This rule is intended to implement Iowa Code chapter 249.

[ARC 7605B, IAB 3/11/09, effective 4/15/09; ARC 8440B, IAB 1/13/10, effective 3/1/10; ARC 9965B, IAB 1/11/12, effective 1/1/12; ARC 0064C, IAB 4/4/12, effective 5/9/12; ARC 0489C, IAB 12/12/12, effective 1/1/13; ARC 0633C, IAB 3/6/13, effective 5/1/13; ARC 1268C, IAB 1/8/14, effective 1/1/14; ARC 1352C, IAB 3/5/14, effective 4/9/14; ARC 1813C, IAB 1/7/15, effective 1/1/15; ARC 1892C, IAB 3/4/15, effective 4/8/15]

[Filed 2/19/76, Notice 1/12/76—published 3/8/76, effective 4/12/76]

[Filed emergency 6/9/76—published 6/28/76, effective 7/1/76]

[Filed emergency 7/29/76—published 8/23/76, effective 9/1/76]

[Filed 9/29/76, Notice 8/23/76—published 10/20/76, effective 11/24/76]  
 [Filed 12/17/76, Notice 11/3/76—published 1/12/77, effective 3/1/77]  
     [Filed emergency 5/24/77—published 6/15/77, effective 7/1/77]  
 [Filed 3/27/78, Notice 2/8/78—published 4/19/78, effective 5/24/78]  
     [Filed emergency 5/8/78—published 5/31/78, effective 5/24/78]  
     [Filed emergency 6/28/78—published 7/26/78, effective 7/1/78]  
 [Filed 7/17/78, Notice 5/31/78—published 8/9/78, effective 9/13/78]  
 [Filed 11/7/78, Notice 4/19/78—published 11/29/78, effective 1/3/79]  
     [Filed emergency 6/26/79—published 7/25/79, effective 7/1/79]  
     [Filed emergency 6/30/80—published 7/23/80, effective 7/1/80]  
     [Filed emergency 6/30/81—published 7/22/81, effective 7/1/81]  
 [Filed 2/26/82, Notice 10/28/81—published 3/17/82, effective 5/1/82]  
     [Filed emergency 5/21/82—published 6/9/82, effective 7/1/82]  
     [Filed emergency 7/1/82—published 7/21/82, effective 7/1/82]  
 [Filed 2/25/83, Notice 1/5/83—published 3/16/83, effective 5/1/83]  
     [Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]  
     [Filed emergency 10/7/83—published 10/26/83, effective 11/1/83]  
 [Filed without Notice 10/7/83—published 10/26/83, effective 12/1/83]  
 [Filed emergency 11/18/83, after Notice 10/12/83—published 12/7/83, effective 1/1/84]  
 [Filed 11/18/83, Notice 10/12/83—published 12/7/83, effective 2/1/84]  
     [Filed emergency 6/15/84—published 7/4/84, effective 7/1/84]  
     [Filed emergency 12/11/84—published 1/2/85, effective 1/1/85]  
     [Filed emergency 6/14/85—published 7/3/85, effective 7/1/85]  
 [Filed emergency after Notice 6/14/85, Notice 5/8/85—published 7/3/85, effective 8/1/85]  
     [Filed emergency 10/1/85—published 10/23/85, effective 11/1/85]  
 [Filed without Notice 10/1/85—published 10/23/85, effective 12/1/85]  
     [Filed emergency 12/2/85—published 12/18/85, effective 1/1/86]  
 [Filed 12/2/85, Notice 10/23/85—published 12/18/85, effective 2/1/86]  
     [Filed emergency 6/26/86—published 7/16/86, effective 7/1/86]  
     [Filed emergency 12/22/86—published 1/14/87, effective 1/1/87]  
     [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]  
     [Filed emergency 12/10/87—published 12/30/87, effective 1/1/88]  
     [Filed emergency 6/9/88—published 6/29/88, effective 7/1/88]  
     [Filed emergency 12/8/88—published 12/28/88, effective 1/1/89]  
     [Filed emergency 6/9/89—published 6/28/89, effective 7/1/89]  
 [Filed 8/17/89, Notice 6/28/89—published 9/6/89, effective 11/1/89]  
     [Filed emergency 11/16/89—published 12/13/89, effective 1/1/90]  
 [Filed 2/16/90, Notice 12/13/89—published 3/7/90, effective 5/1/90]  
     [Filed emergency 6/20/90—published 7/11/90, effective 7/1/90]  
 [Filed 8/16/90, Notice 7/11/90—published 9/5/90, effective 11/1/90]  
     [Filed emergency 12/13/90—published 1/9/91, effective 1/1/91]  
 [Filed 12/13/90, Notice 10/31/90—published 1/9/91, effective 3/1/91]  
     [Filed 2/14/91, Notice 1/9/91—published 3/6/91, effective 5/1/91]  
     [Filed 4/11/91, Notice 3/6/91—published 5/1/91, effective 7/1/91]  
 [Filed 9/18/91, Notice 7/24/91—published 10/16/91, effective 12/1/91]  
     [Filed emergency 12/11/91—published 1/8/92, effective 1/1/92]  
 [Filed 12/11/91, Notice 10/16/91—published 1/8/92, effective 3/1/92]<sup>1</sup>  
     [Filed 2/13/92, Notice 1/8/92—published 3/4/92, effective 5/1/92]  
     [Filed emergency 4/15/92—published 5/13/92, effective 4/16/92]  
     [Filed 4/16/92, Notice 1/8/92—published 5/13/92, effective 7/1/92]  
     [Filed emergency 12/1/92—published 12/23/92, effective 1/1/93]  
 [Filed 2/10/93, Notice 12/23/92—published 3/3/93, effective 5/1/93]

[Filed emergency 6/11/93—published 7/7/93, effective 7/1/93]  
[Filed 8/12/93, Notice 7/7/93—published 9/1/93, effective 11/1/93]  
[Filed emergency 12/16/93—published 1/5/94, effective 1/1/94]  
[Filed 12/16/93, Notice 10/27/93—published 1/5/94, effective 3/1/94]  
[Filed 2/10/94, Notice 1/5/94—published 3/2/94, effective 5/1/94]  
[Filed emergency 6/16/94—published 7/6/94, effective 7/1/94]  
[Filed 8/12/94, Notice 7/6/94—published 8/31/94, effective 11/1/94]  
[Filed emergency 10/12/94—published 11/9/94, effective 11/1/94]  
[Filed emergency 12/15/94—published 1/4/95, effective 1/1/95]  
[Filed 12/15/94, Notice 11/9/94—published 1/4/95, effective 3/1/95]  
[Filed 2/16/95, Notice 1/4/95—published 3/15/95, effective 5/1/95]  
[Filed emergency 6/7/95—published 7/5/95, effective 7/1/95]  
[Filed 8/10/95, Notice 7/5/95—published 8/30/95, effective 11/1/95]  
[Filed emergency 10/31/95—published 11/22/95, effective 11/1/95]  
[Filed emergency 12/12/95—published 1/3/96, effective 1/1/96]  
[Filed 1/10/96, Notice 11/22/95—published 1/31/96, effective 4/1/96]  
[Filed 2/14/96, Notice 1/3/96—published 3/13/96, effective 5/1/96]  
[Filed emergency 6/13/96—published 7/3/96, effective 7/1/96]  
[Filed 8/15/96, Notice 7/3/96—published 9/11/96, effective 11/1/96]  
[Filed emergency 12/12/96—published 1/1/97, effective 1/1/97]  
[Filed 2/12/97, Notice 1/1/97—published 3/12/97, effective 5/1/97]  
[Filed emergency 3/12/97—published 4/9/97, effective 4/1/97]  
[Filed 4/11/97, Notice 2/12/97—published 5/7/97, effective 7/1/97]  
[Filed 5/14/97, Notice 4/9/97—published 6/4/97, effective 8/1/97]  
[Filed emergency 12/10/97—published 12/31/97, effective 1/1/98]  
[Filed 2/11/98, Notice 12/31/97—published 3/11/98, effective 5/1/98]  
[Filed emergency 12/9/98—published 12/30/98, effective 1/1/99]  
[Filed 2/10/99, Notice 12/30/98—published 3/10/99, effective 4/15/99]  
[Filed emergency 12/8/99—published 12/29/99, effective 1/1/00]  
[Filed 2/9/00, Notice 12/29/99—published 3/8/00, effective 5/1/00]  
[Filed emergency 7/13/00—published 8/9/00, effective 8/1/00]  
[Filed emergency 10/11/00—published 11/1/00, effective 11/15/00]  
[Filed 11/8/00, Notice 8/9/00—published 11/29/00, effective 2/1/01]  
[Filed emergency 12/14/00—published 1/10/01, effective 1/1/01]  
[Filed 2/14/01, Notice 1/10/01—published 3/7/01, effective 5/1/01]  
[Filed emergency 4/11/01—published 5/2/01, effective 5/1/01]  
[Filed 6/13/01, Notice 5/2/01—published 7/11/01, effective 9/1/01]  
[Filed emergency 7/11/01—published 8/8/01, effective 8/1/01]  
[Filed 10/10/01, Notice 8/8/01—published 10/31/01, effective 1/1/02]  
[Filed emergency 12/12/01—published 1/9/02, effective 1/1/02]  
[Filed 2/14/02, Notice 1/9/02—published 3/6/02, effective 5/1/02]  
[Filed emergency 5/9/02—published 5/29/02, effective 6/1/02]  
[Filed 7/15/02, Notice 5/29/02—published 8/7/02, effective 10/1/02]  
[Filed emergency 12/12/02—published 1/8/03, effective 1/1/03]  
[Filed emergency 11/19/03—published 12/10/03, effective 1/1/04]  
[Filed 11/19/03, Notice 10/1/03—published 12/10/03, effective 2/1/04]  
[Filed emergency 8/12/04 after Notice 6/23/04—published 9/1/04, effective 8/12/04]  
[Filed emergency 12/14/04—published 1/5/05, effective 1/1/05]  
[Filed 2/10/05, Notice 1/5/05—published 3/2/05, effective 4/6/05]  
[Filed emergency 12/14/05—published 1/4/06, effective 1/1/06]  
[Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]  
[Filed emergency 12/13/06—published 1/3/07, effective 1/1/07]

[Filed 3/14/07, Notice 1/3/07—published 4/11/07, effective 5/16/07]  
[Filed emergency 12/12/07—published 1/2/08, effective 1/1/08]  
[Filed 3/12/08, Notice 1/2/08—published 4/9/08, effective 5/14/08]  
[Filed emergency 12/10/08—published 12/31/08, effective 1/1/09]  
[Filed ARC 7605B (Notice ARC 7472B, IAB 12/31/08), IAB 3/11/09, effective 4/15/09]  
[Filed Without Notice ARC 8440B, IAB 1/13/10, effective 3/1/10]  
[Filed Emergency ARC 9965B, IAB 1/11/12, effective 1/1/12]  
[Filed ARC 0064C (Notice ARC 9964B, IAB 1/11/12), IAB 4/4/12, effective 5/9/12]  
[Filed Emergency ARC 0489C, IAB 12/12/12, effective 1/1/13]  
[Filed ARC 0633C (Notice ARC 0488C, IAB 12/12/12), IAB 3/6/13, effective 5/1/13]  
[Filed Emergency ARC 1268C, IAB 1/8/14, effective 1/1/14]  
[Filed ARC 1352C (Notice ARC 1267C, IAB 1/8/14), IAB 3/5/14, effective 4/9/14]  
[Filed Emergency ARC 1813C, IAB 1/7/15, effective 1/1/15]  
[Filed ARC 1892C (Notice ARC 1812C, IAB 1/7/15), IAB 3/4/15, effective 4/8/15]

<sup>1</sup> Effective date of 3/1/92 delayed until adjournment of the 1992 General Assembly by the Administrative Rules Review Committee at its meeting held February 3, 1992.





CHAPTER 110  
CHILD DEVELOPMENT HOMES

[Prior to 7/1/83, Social Services[770] Ch 110]

[Prior to 2/11/87, Human Services[498]]

PREAMBLE

This chapter establishes registration procedures for child development homes. Included are application and renewal procedures, standards for providers, and procedures for compliance checks and complaint investigation.

**441—110.1(237A) Definitions.**

*“Adult”* means a person aged 18 or older.

*“Assistant”* means a responsible person aged 14 or older. The assistant may never be left alone with children. Ultimate responsibility for supervision is with the child care provider.

*“Child”* means either of the following:

1. A person 12 years of age or younger.
2. A person 13 years of age or older but younger than 19 years of age who has a developmental disability, as defined under the federal Developmental Disabilities Assistance and Bill of Rights Act of 2000, Public Law No. 106-402, codified in 42 U.S.C. 15002(8).

*“Child care”* means the care, supervision, or guidance of a child by a person other than the child’s parent, guardian, or custodian for periods of less than 24 hours per day per child on a regular basis. Child care shall not mean special activity programs that meet on a regular basis such as music or dance classes, organized athletics or sports programs, scouting programs, or hobby or craft classes or clubs.

*“Child care facility”* or *“facility”* means a child care center, a preschool, or a registered child development home.

*“Child care home”* means a person or program providing child care to five or fewer children at any one time that is not registered to provide child care under this chapter, as authorized under Iowa Code section 237A.3.

*“Child development home”* means a person or program registered under this chapter that may provide child care to six or more children at any one time.

*“Department”* means the department of human services.

*“Involvement with child care”* means licensed or registered as a child care facility, employed in a child care facility, residing in a child care facility, receiving public funding for providing child care, providing child care as a child care home provider, or residing in a child care home.

*“Parent”* means parent or legal guardian.

*“Part-time hours”* means the hours that child development homes in categories B and C are allowed to exceed their maximum preschool or school-age capacity. A provider may use a total of up to 180 hours per month as part-time hours. No more than two children using part-time hours may be in the child development home at any one time.

*“Person subject to an evaluation”* means a person who has committed a transgression and who is described by any of the following:

1. The person is being considered for registration or is registered.
2. The person is being considered by a child care facility for employment involving direct responsibility for a child or with access to a child when the child is alone, or the person is employed with such responsibilities.
3. The person will reside or resides in a child care facility.
4. The person has applied for or receives public funding for providing child care.
5. The person will reside or resides in a child care home that is not registered but that receives public funding for providing child care.

*“Provider”* means the person or program that applies for registration to provide child care and is approved as a child development home.

*“Registration”* means the process by which child care providers certify that they comply with rules adopted by the department.

*“Registration certificate”* means the written document issued by the department to publicly state that the provider has certified in writing compliance with the minimum requirements for registration of a child development home.

*“School”* means kindergarten or a higher grade level.

*“Transgression”* means the existence of any of the following in a person’s record:

1. Conviction of a crime.
2. A record of having committed founded child or dependent adult abuse.
3. Listing in the sex offender registry established under Iowa Code chapter 692A.
4. A record of having committed a public or civil offense.
5. Department revocation or denial of a child care facility registration or license due to the person’s continued or repeated failure to operate the child care facility in compliance with licensing and registration laws and rules.

**441—110.2(237A) Application for registration.** A provider shall apply for registration on Form 470-3384, Application for Child Development Home Registration, provided by the department’s local office or, if available, on the department’s Web site. The provider shall also use Form 470-3384 to inform the department of any changes in circumstances that would affect the registration.

**441—110.3(237A) Renewal.** Renewal of registration shall be completed every 24 months. To request renewal, a provider shall submit Form 470-3384, Application for Child Development Home Registration, and copies of certificates of training, to be retained in the registration file. The renewal process shall include completion of child abuse, sex offender, and criminal record checks.

**441—110.4(237A) Number of children.** The number of children shall conform to the following standards:

**110.4(1) Limit.** Except as provided in subrule 110.4(3), no greater number of children shall be received for care at any one time than the number authorized on the registration certificate.

**110.4(2) Children counted.** In determining the number of children cared for at any one time in a child development home, each child present in the child development home shall be considered to be receiving care unless the child is described by one of the following exceptions:

*a.* The child’s parent, guardian, or custodian established or operates the child development home and either the child is attending school or the child receives child care full-time on a regular basis from another person.

*b.* The child has been present in the child development home for more than 72 consecutive hours and meets the requirements of the exception in paragraph “a” as though the person who established or operates the child development home is the child’s parent, guardian, or custodian.

**110.4(3) Exception for emergency school closing.** On days when schools are closed due to emergencies such as inclement weather or physical plant failure, a child development home may have additional children present in accordance with the authorization for the registration category of the home and subject to all of the following conditions:

*a.* The child development home has prior written approval from the parent or guardian of each child present in the home concerning the presence of additional children in the home.

*b.* The child development home has a department-approved assistant, aged 14 or older, on duty to assist the care provider, as required for the registration category of the home.

*c.* One or more of the following conditions are applicable to each of the additional children present in the child development home:

- (1) The home provides care to the child on a regular basis for periods of less than two hours.
- (2) If the child were not present in the child development home, the child would be unattended.
- (3) The home regularly provides care to a sibling of the child.

*d.* The provider shall maintain a written record including the date of the emergency school closing, the reason for the closing, and the number of children in care on that date.

**441—110.5(237A) Standards.** The provider shall certify that the child development home meets the following standards and also the standards in either rule 441—110.8(237A), 441—110.9(237A), or 441—110.10(237A), specific to the category of home for which the provider requests registration.

**110.5(1) Health and safety.** Conditions in the home shall be safe, sanitary, and free of hazards.

*a.* The home shall have a nonpay, working land-line or mobile telephone with emergency numbers posted for police, fire, ambulance, and the poison information center. The number for each child's parent, for a responsible person who can be reached when the parent cannot, and for the child's physician shall be written on paper and readily accessible by the telephone. The home must prominently display all emergency information, and all travel vehicles must have a paper copy of emergency parent contact information.

*b.* All medicines and poisonous, toxic, or otherwise unsafe materials shall be secured from access by a child.

*c.* A first-aid kit shall be available and easily accessible whenever children are in the child development home, in the outdoor play area, in vehicles used to transport children, and on field trips. The kit shall be sufficient to address first aid related to minor injury or trauma and shall be stored in an area inaccessible to children.

*d.* Medications shall be given only with the parent's or doctor's written authorization. Each prescribed medication shall be accompanied by a physician's or pharmacist's direction. Both nonprescription and prescription medications shall be in the original container with directions intact and labeled with the child's name. All medications shall be stored properly and, when refrigeration is required, shall be stored in a separate, covered container so as to prevent contamination of food or other medications. All medications shall be stored so they are inaccessible to children.

*e.* Electrical wiring shall be maintained with all accessible electrical outlets safely capped and electrical cords properly used. Improper use includes running cords under rugs, over hooks, through door openings, or other use that has been known to be hazardous.

*f.* Combustible materials shall be kept away from furnaces, stoves, water heaters, and gas dryers.

*g.* Approved safety gates at stairways and doors shall be provided and used as needed.

*h.* A safe outdoor play area shall be maintained in good condition throughout the year. The play area shall be fenced off when located on a busy thoroughfare or near a hazard which may be injurious to a child, and shall have both sunshine and shade areas. The play area shall be kept free from litter, rubbish, and flammable materials and shall be free from contamination by drainage or ponding of sewage, household waste, or storm water.

*i.* Annual laboratory analysis of a private water supply shall be conducted to show satisfactory bacteriological quality. When children under the age of two are to be cared for, the analysis shall include a nitrate analysis. When private water supplies are determined unsuitable for drinking, commercially bottled water or water treated through a process approved by the health department or designee shall be provided.

*j.* Emergency plans in case of man-made or natural disaster shall be written and posted by the primary and secondary exits. The plans shall clearly map building evacuation routes and tornado and flood shelter areas.

*k.* Fire and tornado drills shall be practiced monthly and the provider shall keep documentation evidencing compliance with monthly practice on file.

*l.* A safety barrier shall surround any heating stove or heating element, in order to prevent burns.

*m.* The home shall have at least one 2A 10BC rated fire extinguisher located in a visible and readily accessible place on each child-occupied floor.

*n.* The home shall have at least one single-station, battery-operated, UL-approved smoke detector in each child-occupied room and at the top of every stairway. Each smoke detector shall be installed according to manufacturer's recommendations. The provider shall test each smoke detector monthly and keep a record of testing for inspection purposes.

*o.* Smoking and the use of tobacco products shall be prohibited at all times in the home and in every vehicle in which children receiving care in the home are transported. Smoking and the use of tobacco products shall be prohibited in the outdoor play area during the home's hours of operation. Nonsmoking signs shall be posted at every entrance of the child care home and in every vehicle used to transport children. All signs shall include:

- (1) The telephone number for reporting complaints, and
- (2) The Internet address of the department of public health ([www.iowasmokefreeair.gov](http://www.iowasmokefreeair.gov)).

*p.* Children under the age of one year shall be placed on their backs when sleeping unless otherwise authorized in writing by a physician.

*q.* Providers shall inform parents of the presence of any pet in the home.

(1) Each dog or cat in the household shall undergo an annual health examination by a licensed veterinarian. Acceptable veterinary examinations shall be documented on Form 470-5153, Veterinary Health Certificate. This examination shall verify that the animal's routine immunizations, particularly rabies, are current and that the animal shows no evidence of endoparasites (roundworms, hookworms, whipworms) and ectoparasites (fleas, mites, ticks, lice).

(2) Each pet bird in the household shall be purchased from a dealer licensed by the Iowa department of agriculture and land stewardship and shall be examined by a veterinarian to verify that it is free of infectious diseases. Acceptable veterinary examinations shall be documented on Form 470-5153, Veterinary Health Certificate. Children shall not handle pet birds.

(3) Aquariums shall be well maintained and installed in a manner that prevents children from accessing the water or pulling over a tank.

(4) All animal waste shall be immediately removed from the children's areas and properly disposed of. Children shall not perform any feeding or care of pets or cleanup of pet waste.

(5) No animals shall be allowed in the food preparation, food storage, or serving areas during food preparation and serving times.

*r.* When there is a swimming or wading pool on the premises:

(1) A wading pool shall be drained daily and shall be inaccessible to children when it is not in use.

(2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. The cover shall meet or exceed the ASTM International (formerly known as the American Society for Testing and Materials) specification intended to reduce the risk of drowning by inhibiting access to the water by children under five years of age.

(3) An uncovered aboveground swimming pool shall be enclosed with an approved fence that is non-climbable and has a minimum height of four feet.

(4) An uncovered in-ground swimming pool shall be enclosed with a fence that is at least four feet high and flush with the ground.

*s.* If children are allowed to use an aboveground or in-ground swimming pool:

(1) Written permission from parents shall be available for review.

(2) Equipment needed to rescue a child or adult shall be readily accessible.

(3) The child care provider shall accompany the children and provide constant supervision while the children use the pool.

(4) The child care provider shall complete training in cardiopulmonary resuscitation for infants, toddlers, and children, according to the criteria of the American Red Cross or the American Heart Association.

*t.* Homes served by private sewer systems shall be compliant with environmental protection commission rules on wastewater treatment and disposal systems at 567—Chapter 69. Compliance shall be verified by the local board of health within 12 months of renewal or new registration.

*u.* The provider shall have written policies regarding the care of mildly ill children and exclusion of children due to illness and shall inform parents of these policies.

*v.* The provider shall have written policy and procedures for responding to health-related emergencies.

w. The provider shall document all injuries that require first aid or medical care using an injury report form. The form shall be completed on the date of occurrence, shared with the parent, and maintained in the child's file.

x. A provider operating in a facility built before 1960 shall assess and control lead hazards before being issued an initial child development home registration or a renewal of the registration. To comply with this requirement, the provider shall:

(1) Conduct a visual assessment of the facility for lead hazards that exist in the form of peeling or chipping paint;

(2) Apply interim controls on any chipping or peeling paint found, using lead-safe work methods in accordance with and as defined by department of public health rules at 641—Chapters 69 and 70, unless a certified inspector as defined in 641—Chapter 70 determines that the paint is not lead-based paint; and

(3) Submit Form 470-4755, Lead Assessment and Control, as verification of the visual assessment and completion of interim controls, if necessary.

EXCEPTION: Providers that have a valid registration on November 1, 2009, shall assess and control lead hazards by June 30, 2010.

**110.5(2)** Provider files. A provider file shall be maintained and shall contain the following:

a. A physical examination report. Providers and all members of a provider's household shall have good health as evidenced by a preregistration physical examination. Acceptable physical examinations shall be documented on Form 470-5152, Child Care Provider Physical Examination Report. The examination shall include any necessary testing for communicable diseases; shall include a discussion regarding current Advisory Committee on Immunization Practices (ACIP)-recommended vaccinations; shall be performed within six months prior to registration by a licensed medical doctor, doctor of osteopathy, physician assistant or advanced registered nurse practitioner; and shall be repeated at least every three years.

b. Certificates or other documentation from the department verifying the following:

(1) Required training as set forth in subrule 110.5(11).

(2) Completion of all record checks as required in subrule 110.7(3), at initial application, at each application for change and at each application for renewal.

c. An individual file for each staff assistant that contains:

(1) Documentation from the department confirming the record checks required under subrule 110.7(3) have been completed and authorizing or conditionally limiting the person's involvement with child care.

(2) A completed Form 470-5152, Child Care Provider Physical Examination Report, that meets the requirements of paragraph 110.5(2) "a."

(3) Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse, completed within six months of employment and every five years thereafter, as required by Iowa Code section 232.69.

d. An individual file for each substitute that contains:

(1) Documentation from the department confirming the record checks required under subrule 110.7(3) have been completed and authorizing or conditionally limiting the person's involvement with child care.

(2) A completed Form 470-5152, Child Care Provider Physical Examination Report, that meets the requirements of paragraph 110.5(2) "a."

(3) Certification of a minimum of two hours of approved training relating to the identification and reporting of child abuse, completed within six months of employment and every five years thereafter, as required by Iowa Code section 232.69.

(4) Certification in first aid that meets the requirements of paragraph 110.5(11) "b."

**110.5(3)** Activity program. There shall be an activity program which promotes self-esteem and exploration and includes:

a. Active play.

b. Quiet play.

c. Activities for large muscle development.

- d.* Activities for small muscle development.
- e.* Play equipment and materials in a safe condition, for both indoor and outdoor activities which are developmentally appropriate for the ages and number of children present.

**110.5(4)** The certificate of registration shall be displayed in a conspicuous place.

**110.5(5)** Parental access. Parents shall be afforded unlimited access to their children and to the people caring for their children during the normal hours of operation or whenever their children are in the care of the child development home, unless parental contact is prohibited by court order.

**110.5(6)** Discipline. Discipline shall conform to the following standards:

- a.* Corporal punishment including spanking, shaking and slapping shall not be used.
- b.* Punishment which is humiliating or frightening or which causes pain or discomfort to the child shall not be used.
- c.* Punishment shall not be administered because of a child's illness, or progress or lack of progress in toilet training, nor shall punishment or threat of punishment be associated with food or rest.
- d.* No child shall be subjected to verbal abuse, threats, or derogatory remarks about the child or the child's family.
- e.* Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

**110.5(7)** Meals. Regular meals and midmorning and midafternoon snacks shall be provided which are well-balanced, nourishing, and in appropriate amounts as defined by the USDA Child and Adult Care Food Program. Children may bring food to the child development home for their own consumption, but shall not be required to provide their own food.

**110.5(8)** Children's files. An individual file shall be maintained for each child and updated annually or when the provider becomes aware of changes. The file shall contain:

- a.* Identifying information including, at a minimum, the child's name, birth date, parent's name, address, telephone number, special needs of the child, and the parent's work address and telephone number.
- b.* Emergency information including, at a minimum, where the parent can be reached, the name, street address, city and telephone number of the child's regular source of health care, and the name, telephone number, and relationship to the child of another adult available in case of emergency.
- c.* A signed medical consent from the parent authorizing emergency treatment.
- d.* An admission physical examination report signed by a licensed physician or designee in a clinic supervised by a licensed physician.
  - (1) The date of the physical examination shall not be more than 12 months before the child's first day of attendance at the child development home.
  - (2) The written report shall include past health history, status of present health, allergies and restrictive conditions, and recommendations for continued care when necessary.
  - (3) For a child who is five years of age or older and enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the physical examination report.
  - (4) The examination report or statement of health status shall be on file before the child's first day of care.
- e.* A statement of health condition signed by a physician or designee submitted annually from the date of the admission physical. For a child who is five years of age or older and enrolled in school, a statement of health status signed by the parent or legal guardian may be substituted for the physician statement.
- f.* A list signed by the parent which names persons authorized to pick up the child. The authorization shall include the name, telephone number, and relationship of the authorized person to the child.
- g.* A signed and dated immunization certificate provided by the state department of public health. For the school-age child, a copy of the most recent immunization record shall be acceptable.
- h.* For each school-age child, on the first day of attendance, documentation of a physical examination that was completed at the time of school enrollment or since.

i. Written permission from the parent for the child to attend activities away from the child development home. The permission shall include:

- (1) Times of departure and arrival.
- (2) Destination.
- (3) Persons who will be responsible for the child.

j. Injury report forms documenting injuries requiring first aid or medical care.

**110.5(9)** Provider. The provider shall meet the following requirements:

- a. Give careful supervision at all times.
- b. Exchange information with the parent of each child frequently to enhance the quality of care.
- c. Give consistent, dependable care and be capable of handling emergencies.
- d. Be present at all times except when emergencies occur or an absence is planned, at which time care shall be provided by a department-approved substitute. When an absence is planned, the provider shall give parents at least 24 hours' prior notice.

**110.5(10)** Substitutes. The provider shall assume responsibility for providing adequate and appropriate supervision at all times when children are in attendance. Any designated substitute shall have the same responsibility for providing adequate and appropriate supervision. Ultimate responsibility for supervision shall be with the provider.

- a. All standards in this chapter regarding supervision and care of children shall apply to substitutes.
- b. Except in emergency situations, the provider shall inform parents in advance of the planned use of a substitute.

c. The substitute must be 18 years of age or older.

d. Use of a substitute shall be limited to:

- (1) No more than 25 hours per month.
- (2) An additional period of up to two weeks in a 12-month period.

e. The provider shall maintain a written record of the number of hours substitute care is provided, including the date and the name of the substitute.

**110.5(11)** Professional development.

a. The provider shall receive two hours of Iowa's training for mandatory reporting of child abuse:

- (1) During the first three months of registration as a child development home; and
- (2) Every five years thereafter.

b. The provider shall obtain first-aid training within the first three months of registration as a child development home.

(1) First-aid training shall be provided by a nationally recognized training organization, such as the American Red Cross, the American Heart Association, the National Safety Council, or Emergency Medical Planning (Medic First Aid) or by an equivalent trainer using curriculum approved by the department.

(2) First-aid training shall include certification in infant and child first aid that includes management of a blocked airway and mouth-to-mouth resuscitation.

(3) The provider shall maintain a valid certificate indicating the date of first-aid training and the expiration date.

c. During the first year of registration, the provider shall receive a minimum of 12 hours of training from one or more of the following content areas. The provider shall receive at least 6 of these hours in a group setting as defined in subrule 110.5(12), and 2 of the hours must be from the content area in subparagraph 110.5(11)"c"(1). A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.

(1) Planning a safe, healthy learning environment (includes nutrition).

(2) Steps to advance children's physical and intellectual development.

(3) Positive ways to support children's social and emotional development (includes guidance and discipline).

(4) Strategies to establish productive relationships with families (includes communication skills and cross-cultural competence).

(5) Strategies to manage an effective program operation (includes business practices).

- (6) Maintaining a commitment to professionalism.
- (7) Observing and recording children's behavior.
- (8) Principles of child growth and development.

*d.* During the second year of registration and each succeeding year, the provider shall receive a minimum of 12 hours of training from one or more of the content areas as defined in paragraph "c." The provider shall receive at least 6 of these hours in a group setting as defined in subrule 110.5(12). The provider may receive the remaining hours in self-study as defined in subrule 110.5(13). A provider shall not use a specific training or class to meet minimum continuing education requirements more than one time every five years.

*e.* A provider who submits documentation from a child care resource and referral agency that the provider has completed the Iowa Program for Infant/Toddler Care (IA PITC), ChildNet, or Beyond Business Basics training series may use those hours to fulfill a maximum of two years' training requirements, not including first-aid and mandatory reporter training.

**110.5(12)** Group training. Training received in a group setting is not self-study, but is training received with other adults.

*a.* The training must be conducted by a trainer who is employed by or under contract with one of the following entities or who uses curriculum or training materials developed by or obtained with the written permission of one of the following entities:

- (1) An accredited university or college.
- (2) A community college.
- (3) Iowa State University Extension.
- (4) A child care resource and referral agency.
- (5) An area education agency.
- (6) The regents' center for early developmental education at the University of Northern Iowa.
- (7) A hospital (for health and safety, first-aid, and CPR training).
- (8) The American Red Cross, the American Heart Association, the National Safety Council, or Medic First Aid (for first-aid and CPR training).
- (9) An Iowa professional association, including the Iowa Association for the Education of Young Children (Iowa AEYC), the Iowa Family Child Care Association (IFCCA), the Iowa After School Alliance, and the Iowa Head Start Association.
- (10) A national professional association, including the National Association for the Education of Young Children (NAEYC), the National Child Care Association (NCCA), the National Association for Family Child Care (NAFCC), the National After School Association, and the American Academy of Pediatrics.
- (11) The Child and Adult Care Food Program and the Special Supplemental Nutrition Program for Women, Infants and Children (WIC).
- (12) The Iowa department of public health, department of education, or department of human services.
- (13) Head Start agencies or the Head Start technical assistance system.

*b.* Training received in a group setting must follow a presentation format that incorporates a variety of adult learning methods. The material or content of the training must be obtained from one of the entities listed in paragraph "a" or an entity approved under paragraph "g." Approved training shall be made available to Iowa child care providers through the child care provider training registry beginning July 1, 2009.

*c.* Training received in a group setting may include distance learning opportunities such as training conducted over the Iowa communications network, on-line courses, or Web conferencing (webinars) if:

- (1) The training meets the requirements in subrule 110.5(14);
- (2) The training is taught by an instructor and requires interaction between the instructor and the participants, such as required chats or message boards; and
- (3) The training organization meets the requirements listed in this subrule or is approved by the department.

*d.* The department will not approve more than eight hours of training delivered in a single day.



*e.* The department may randomly monitor any state-approved training for quality control purposes.

*f.* Training conducted with staff either during the hours of operation of the facility, staff lunch hours, or while children are resting must not diminish the required staff ratio coverage. Staff shall not be actively engaged in care and supervision and simultaneously participate in training.

*g.* A training organization not approved by the department may submit training for approval to the department on Form 470-4528, Request for Child Care Training Approval. All approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

**110.5(13)** Self-study training. Up to six hours of training may be received in self-study using a training package approved by the department.

*a.* Self-study training packages approved by the department include curriculum developed and materials distributed by:

- (1) Department child care licensing consultants,
- (2) Iowa State University Extension, or
- (3) A child care resource and referral agency.

*b.* Self-study training materials not distributed by these entities may be submitted by the training organization to the department for approval on Form 470-4528, Request for Child Care Training Approval. All approvals, unless otherwise specified, shall be valid for five years. The department shall issue its decision within 30 business days of receipt of a complete request.

**110.5(14)** Approved training. Training provided to Iowa child care providers shall offer:

*a.* Instruction that is consistent with:

- (1) Iowa child care regulatory standards;
- (2) The Iowa early learning standards; and
- (3) The philosophy of developmentally appropriate practice as defined by the National Association for the Education of Young Children, the Program for Infant/Toddler Care, and the National Health and Safety Performance Standards.

*b.* Content equal to at least one contact hour of training.

*c.* An opportunity for ongoing interaction and timely feedback, including questions and answers within the contact hours if training is delivered in a group setting.

*d.* A certificate of training for each participant that includes:

- (1) The name of the participant.
- (2) The title of the training.
- (3) The dates of training.
- (4) The content area addressed.
- (5) The name of the training organization.
- (6) The name of the instructor.
- (7) The number of contact hours.
- (8) An indication of whether the training was delivered through self-study or in a group setting.

[ARC 8098B, IAB 9/9/09, effective 11/1/09; ARC 0666C, IAB 4/3/13, effective 6/1/13; ARC 0996C, IAB 9/4/13, effective 11/1/13; ARC 1636C, IAB 10/1/14, effective 1/1/15; see Delay note at end of chapter; ARC 1851C, IAB 2/4/15, effective 4/1/15; ARC 1852C, IAB 2/4/15, effective 1/15/15]

**441—110.6(237A) Compliance checks.** During a calendar year, the department shall seek to check 100 percent of all child development homes in each county for compliance with registration requirements. Completed evaluation checklists shall be placed in the registration files.

[ARC 1637C, IAB 10/1/14, effective 1/1/15]

**441—110.7(234) Registration decision.** The department shall issue Form 470-3498, Certificate of Registration, when an applicant meets all requirements for registration. Each local office of the department shall maintain a current list of registered child development homes as a referral service to the community.

**110.7(1)** Registration shall be denied or revoked if the department finds a hazard to the safety and well-being of a child and the provider cannot correct or refuses to correct the hazard, even though the

hazard may not have been specifically listed under the health and safety rules. Registration may also be denied or revoked if the department determines that the provider has failed to comply with standards imposed by law and these rules.

**110.7(2)** Record shall be kept in an open file of all denials or revocations of registration and the documentation of reasons for denying or revoking the registration.

**110.7(3)** Record checks.

*a. Applicability.* The department shall conduct Iowa criminal history record and child abuse record checks for each registrant, substitute or staff member, anyone living in the home who is 14 years of age or older, and anyone having access to a child when the child is alone. The department shall conduct national criminal history record checks, based on fingerprints, for each registrant, substitute or staff member, anyone living in the home who is 18 years of age or older, and anyone 18 years of age or older having access to a child when the child is alone. In accordance with Iowa Code section 726.23, minors under the age of 18 will not be subject to the fingerprint requirement.

(1) The purpose of these record checks is to determine whether the person has committed a transgression that prohibits or limits the person's involvement with child care.

(2) The department may also conduct criminal history record and child abuse record checks in other states and may conduct dependent adult abuse, sex offender registry, and other public or civil offense record checks in Iowa or other states.

(3) Effective July 1, 2013, registration or renewal certificates shall not be issued until the results of all state and national record checks have been received and, when necessary, evaluated.

*b. Authorization.* The person subject to record checks shall complete the Iowa department of human services record check authorization form; Form DCI-45, Waiver Agreement; Form FD-258, Federal Fingerprint Card; and any other forms required by the department of public safety to authorize the release of records.

*c. Iowa records checks.* Checks and evaluations of Iowa child abuse and criminal history records shall be completed before the person's involvement with child care. Iowa records checks shall be repeated at a minimum of every two years and when the department or the registrant becomes aware of any possible transgressions. The department is responsible for the cost of conducting the Iowa records checks.

*d. National criminal history record checks.* Fingerprint-based checks of national criminal history records shall also be completed before a person's involvement with child care. This requirement shall be effective on or after July 1, 2013, for an initial application for registration or a renewal application for registration. The national criminal history record check shall be repeated for each person subject to the check every four years and when the department or registrant becomes aware of any new transgressions committed by that person in another state. The department is responsible for the cost of conducting the national criminal history record check.

(1) The registrant is responsible for any costs associated with the taking (rolling) of fingerprints of all persons subject to record checks and for submitting the prints to the department so the national criminal history record check can be completed. Fingerprints may be taken (rolled) by law enforcement agencies or by agencies or companies that specialize in taking (rolling) fingerprints.

(2) The department shall provide fingerprints to the department of public safety no later than ten business days after receipt of the fingerprint cards. The department shall submit the fingerprints on forms or in a manner allowed by the department of public safety.

(3) The department may rely on the results of previously conducted national criminal history record checks when a person subject to a record check in one child development home or child care home submits a request for involvement with child care in another child development home or child care home, so long as the person's national criminal history record check is within the allowable four-year time frame. All initial or new applications shall require a new national criminal history record check.

*e. Mandatory prohibition.* A person with any of the following convictions or founded abuse reports is prohibited from involvement with child care:

- (1) Founded child or dependent adult abuse that was determined to be sexual abuse.
- (2) Placement on the sex offender registry.

- (3) Felony child endangerment or neglect or abandonment of a dependent person.
- (4) Felony domestic abuse.
- (5) Felony crime against a child including, but not limited to, sexual exploitation of a minor.
- (6) Forcible felony.

*f. Mandatory time-limited prohibition.*

(1) A person with the following conviction or founded abuse report is prohibited from involvement with child care for five years from the date of the conviction or founded abuse report:

1. Conviction of a controlled substance offense under Iowa Code chapter 124.
2. Founded child abuse that was determined to be physical abuse.

(2) After the five-year prohibition period (from the date of the conviction or the founded abuse report) as defined in subparagraph 110.7(3) “f”(1), the person may request the department to perform an evaluation under paragraph 110.7(3) “g” to determine whether prohibition of the person’s involvement with child care continues to be warranted.

*g. Evaluation required.* For all other transgressions, and as requested under subparagraph 110.7(3) “f”(2), the department shall evaluate the transgression and make a decision about the person’s involvement with child care.

(1) The person with the transgression shall complete and return the record check evaluation form within ten calendar days of the date on the form. The department shall use the information the person with the transgression provides on this form to assist in the evaluation. Failure of the person with the transgression to complete and return this form within ten calendar days of the date on the form shall result in denial or revocation of the registration certificate.

(2) The department may use information from the department’s case records in performing the evaluation.

(3) In an evaluation, the department shall consider all of the following factors:

1. The nature and seriousness of the transgression in relation to the position sought or held.
2. The time elapsed since the commission of the transgression.
3. The circumstances under which the transgression was committed.
4. The degree of rehabilitation.
5. The likelihood that the person will commit the transgression again.
6. The number of transgressions committed by the person.

(4) When a person subject to a record check has a transgression that has been determined in a previous evaluation not to warrant prohibition of the person’s involvement with child care and the person has no subsequent transgressions, an exemption from reevaluation of the latest record check is authorized. The person may commence employment with another child care facility in accordance with the department’s previous evaluation. The exemption is subject to all of the following conditions:

1. The position with the subsequent employer is substantially the same or has the same job responsibilities as the position for which the previous evaluation was performed.

2. Any restrictions placed on the person’s employment by the department in the previous evaluation shall remain applicable in the person’s subsequent employment.

3. The person subject to the record check has maintained a copy of the previous evaluation and provides the evaluation to the subsequent employer or the previous employer provides to the subsequent employer the previous evaluation from the person’s personnel file pursuant to the person’s authorization. If a physical copy of the previous evaluation is not provided to the subsequent employer, the record check shall be reevaluated.

4. The subsequent employer may request a reevaluation of the record check and may employ the person while the reevaluation is being performed.

*h. Evaluation decision.* The department has final authority in determining whether prohibition of the person’s involvement with child care is warranted and in developing any conditional requirements or corrective action plan.

(1) Within 30 calendar days of receipt of a completed record check evaluation, the department shall make a decision on the person’s involvement with child care.

(2) Within 30 calendar days of receipt of a completed record check evaluation, the department shall mail to the person subject to an evaluation a record check decision that explains the decision reached regarding the evaluation of the transgression and a notice of decision: child care.

(3) The department shall issue a notice of decision: child care prohibiting involvement with child care when the person subject to an evaluation fails to complete the record check evaluation within the ten-calendar-day time frame.

(4) If the department determines, through the record check evaluation process, that the person's prohibition of involvement with child care is warranted, the person shall be prohibited from involvement with child care. The department may identify a period of time after which the person may request that another record check and evaluation be performed.

(5) The department may permit a person who is evaluated to maintain involvement with child care if the person complies with the department's conditions relating to the person's involvement with child care, which may include completion of additional training or an individually designed corrective action plan or both. For an employee of a registrant, these conditional requirements shall be developed with the registrant. All conditions placed on a person's involvement with child care shall be communicated, in writing, to both the person subject to the evaluation and the registrant.

*i. Notice to parents of abuse in care.* If there has been founded child abuse committed by an owner, director, or staff member of the child care facility or child care home, the department's administrator shall notify the parents, guardians, and legal custodians of each child for whom the facility or child care home provides care. The child care facility or child care home shall cooperate with the department in providing the names and addresses of the parents, guardians, and legal custodians of each child for whom the facility provides child care.

(1) The child care facility or child care home shall cooperate with the department in providing the names and addresses of the parent, guardian, or custodian of each child for whom the facility provides child care.

(2) This information shall be provided to the department within ten calendar days from the date of the initial request.

(3) Failure or refusal to provide the requested information may result in revocation of registration.

**110.7(4)** Letter of revocation. A letter received by an owner or operator of a child development home initiating action to deny or revoke the home's registration shall be conspicuously posted where it can be read by parents or any member of the public. The letter shall remain posted until resolution of the action to deny or revoke an owner's or operator's certificate of registration.

**110.7(5)** If the department has denied or revoked a registration because the provider has continually or repeatedly failed to operate in compliance with Iowa Code chapter 237A and 441—Chapter 110, the person shall not own or operate a registered facility for a period of 12 months from the date of denial or revocation. The department shall not act on an application for registration submitted by the applicant or provider during the 12-month period. The applicant shall be prohibited from involvement with child care unless the department specifically permits the involvement.

**110.7(6)** Required notifications. If a certificate of registration is revoked, the administrator of the department shall notify the parent, guardian, or legal custodian of each child for whom the facility provides care. The provider shall cooperate with the department in providing the names and address of the parent, guardian, or legal custodian of each child for whom the facility provides child care.

**110.7(7)** Required notifications to the department.

*a.* The provider shall, within ten days, notify the department of any of the following:

- (1) Changes in assistants or substitutes;
- (2) Changes in household membership;
- (3) Address changes; and
- (4) Criminal convictions.

*b.* No assistant, substitute, or coprovider shall be utilized in the care of children and no person shall be permitted to reside in the household until approved by the department.

c. If the provider does not notify the department of changes within ten days, the provider may be subject to revocation of registration or to recoupment of child care assistance provided, or both.  
[ARC 0418C, IAB 10/31/12, effective 1/1/13; ARC 0715C, IAB 5/1/13, effective 7/1/13; ARC 1209C, IAB 12/11/13, effective 2/1/14; ARC 1809C, IAB 1/7/15, effective 3/1/15; ARC 1893C, IAB 3/4/15, effective 7/1/15]

**441—110.8(237A) Additional requirements for child development home category A.** In addition to the requirements in rule 441—110.5(237A), a provider requesting registration in child development home category A shall meet the following standards:

**110.8(1) Limits on number of children in care.**

a. No more than six children not attending kindergarten or a higher grade level shall be present at any one time.

b. Of these six children, not more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three may be 18 months of age or younger.

c. In addition to the six children not in school, no more than two children who attend school may be present for a period of less than two hours at a time.

d. No more than eight children shall be present at any one time when an emergency school closing is in effect.

**110.8(2) Provider qualifications.**

a. The provider shall be at least 18 years old.

b. The provider shall have three written references which attest to character and ability to provide child care.

**441—110.9(237A) Additional requirements for child development home category B.** In addition to the requirements in rule 441—110.5(237A), a provider requesting registration in child development home category B shall meet the following standards:

**110.9(1) Limits on number of children in care.**

a. No more than six children not attending kindergarten or a higher grade level shall be present at any one time.

b. Of these six children, not more than four children who are 24 months of age or younger shall be present at any one time. Of these four children, no more than three may be 18 months of age or younger.

c. In addition to the six children not in school, no more than four children who attend school may be present.

d. In addition to these ten children, no more than two children who are receiving care on a part-time basis may be present.

e. No more than 12 children shall be present at any one time when an emergency school closing is in effect.

f. If more than eight children are present at any one time for a period of more than two hours, the provider shall be assisted by a department-approved assistant who is at least 14 years old.

**110.9(2) Provider qualifications.**

a. The provider shall be at least 20 years old.

b. The provider shall have a high school diploma or GED.

c. The provider shall either:

(1) Have two years of experience as a registered or nonregistered child care provider, or

(2) Have a child development associate credential or any two-year or four-year degree in a child-care-related field and one year of experience as a registered or nonregistered child care home provider.

**110.9(3) Facility requirements.**

a. The home shall have a minimum of 35 square feet of child-use floor space for each child in care indoors, and a minimum of 50 square feet per child in care outdoors.

b. The home shall have a separate quiet area for sick children.

c. The home shall have a minimum of two direct exits to the outside from the main floor.

(1) If the second level or the basement of the home is used for the provision of child care, other than the use of a restroom, each additional child-occupied floor shall have at least one direct exit to the outside in addition to one inside stairway.

(2) All exits shall terminate at grade level with permanent steps.

(3) A basement window may be used as an exit if the window can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor, with permanent steps inside leading up to the window.

(4) Occupancy above the second floor shall not be permitted for child care.

**441—110.10(237A) Additional requirements for child development home category C.** In addition to the requirements in rule 441—110.5(237A), a provider requesting registration in child development home category C shall meet the following standards:

**110.10(1) *Limits on number of children in care.***

*a.* No more than 12 children not attending kindergarten or a higher grade level shall be present at any one time.

*b.* Of these 12 children, not more than 4 children who are 24 months of age or younger shall be present at any one time. Whenever 4 children who are under the age of 18 months are in care, both providers shall be present.

*c.* In addition to the 12 children not in school, no more than 2 children who attend school may be present for a period of less than two hours at any one time.

*d.* In addition to these 14 children, no more than 2 children who are receiving care on a part-time basis may be present.

*e.* No more than 16 children shall be present at any one time when an emergency school closing is in effect. If more than 8 children are present at any one time due to an emergency school closing exception, the provider shall be assisted by a department-approved assistant who is at least 18 years of age.

*f.* If more than eight children are present, both providers shall be present. Each provider shall meet the provider qualifications for child development home category C.

**110.10(2) *Provider qualifications.***

*a.* One provider who meets the following qualifications must always be present:

(1) The provider shall be at least 21 years old.

(2) The provider shall have a high school diploma or GED.

(3) The provider shall either:

1. Have five years of experience as a registered or nonregistered child care provider, or

2. Have a child development associate credential or any two-year or four-year degree in a child care-related field and four years of experience as a registered or nonregistered child care home provider.

*b.* The coprovider shall meet the requirements of subrule 110.9(2).

**110.10(3) *Facility requirements.***

*a.* The home shall have a minimum of 35 square feet of child-use floor space for each child in care indoors, and a minimum of 50 square feet per child in care outdoors.

*b.* The home shall have a separate quiet area for sick children.

*c.* The home shall have a minimum of two direct exits to the outside from the main floor.

(1) If the second level or the basement of the home is used for the provision of child care, other than the use of a restroom, each additional child-occupied floor shall have at least one direct exit to the outside in addition to one inside stairway.

(2) All exits shall terminate at grade level with permanent steps.

(3) A basement window may be used as an exit if the window can be opened from the inside without the use of tools and it provides a clear opening of not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area. The bottom of the opening shall be not more than 44 inches above the floor, with permanent steps inside leading up to the window.

(4) Occupancy above the second floor shall not be permitted for child care.

**441—110.11(237A) Complaints.** The department shall conduct an on-site visit when a complaint is received.

**110.11(1)** After each complaint visit, the department shall document whether the child development home was in compliance with registration requirements.

**110.11(2)** The written documentation of the department's conclusion as to whether the child development home was in compliance with requirements shall be available to the public. However, the identity of all complainants shall be confidential, unless expressly waived by the complainant.

**441—110.12(237A) Registration actions for nonpayment of child support.** The department shall revoke or deny the issuance or renewal of a child development home registration upon the receipt of a certificate of noncompliance from the child support recovery unit of the department according to the procedures in Iowa Code chapter 252J. In addition to the procedures set forth in Iowa Code chapter 252J, the rules in this chapter shall apply.

**110.12(1) *Service of notice.*** The notice required by Iowa Code section 252J.8 shall be served upon the applicant or registrant by restricted certified mail, return receipt requested, or personal service in accordance with Iowa Rules of Civil Procedure 56.1. Alternatively, the applicant or registrant may accept service personally or through authorized counsel.

**110.12(2) *Effective date.*** The effective date of the revocation or denial of the registration as specified in the notice required by Iowa Code section 252J.8 shall be 60 days following service of the notice upon the applicant or licensee.

**110.12(3) *Preparation of notice.*** The department director or designee of the director is authorized to prepare and serve the notice as required by Iowa Code section 252J.8 upon the applicant or registrant.

**110.12(4) *Responsibilities of registrants and applicants.*** Registrants and registrant applicants shall keep the department informed of all court actions, and all child support recovery unit actions taken under or in connection with Iowa Code chapter 252J, and shall provide the department copies, within seven days of filing or issuance, of all applications filed with the district court pursuant to Iowa Code section 252J.9, all court orders entered in the actions, and withdrawals of certificates of noncompliance by the child support recovery unit.

**110.12(5) *District court.*** A registrant or applicant may file an application with the district court within 30 days of service of a department notice pursuant to Iowa Code sections 252J.8 and 252J.9.

*a.* The filing of the application shall stay the department action until the department receives a court order lifting the stay, dismissing the action, or otherwise directing the department to proceed.

*b.* For purposes of determining the effective date of the revocation, or denial of the issuance or renewal of a registration, the department shall count the number of days before the action was filed and the number of days after the action was disposed of by the court.

**110.12(6) *Procedure for notification.*** The department shall notify the applicant or registrant in writing through regular first-class mail, or such other means as the department deems appropriate in the circumstances, within ten days of the effective date of the revocation of a registration or the denial of the issuance or renewal of a registration, and shall similarly notify the applicant or registrant when the registration is issued, renewed, or reinstated following the department's receipt of a withdrawal of the certificate of noncompliance.

**110.12(7) *Appeal rights.*** Notwithstanding Iowa Code section 17A.18, the registrant does not have the right to a hearing regarding this issue, but may request a court hearing pursuant to Iowa Code section 252J.9.

**441—110.13(237A) Transition exception.** The following transition exceptions shall apply to providers renewing a valid previously issued child care home registration on or after December 1, 2002:

**110.13(1)** If the provider is providing child care to four infants at the time of renewal, the provider may continue to provide child care to those four infants. However, when the provider no longer provides child care to one or more of the four infants, or one or more of the four infants reaches the age of 24 months, this exception shall no longer apply. This exception does not affect the overall limit on the

number of children in care under the child development home category within which the provider is registered.

**110.13(2)** If the provider is providing child care to school-age children in excess of the number allowable for the provider's registration category at the time of renewal, the provider may continue to provide care to those children and may exceed the total number of children authorized for that category by the excess number of school-age children. This exception is subject to the following conditions:

- a.* The maximum number of children attributable to this exception is five.
- b.* The provider must comply with the other requirements limiting the number of children under that registration category.
- c.* If more than eight children are present at any one time for more than two hours, the provider shall be assisted by a department-approved assistant who is at least 14 years of age.
- d.* When the provider no longer provides child care to one or more of the school-age children who was receiving child care at the time of registration, the excess number of children allowed under this exception shall be reduced accordingly.

**441—110.14(237A) Prohibition from involvement with child care.** If the department has prohibited a person or program from involvement with child care, that person or program shall not provide child care as a nonregistered child care home provider.

These rules are intended to implement Iowa Code section 234.6 and chapter 237A.

- [Filed 7/14/76, Notice 1/12/76—published 8/9/76, effective 9/13/76]
- [Filed 8/20/82, Notice 6/23/82—published 9/15/82, effective 11/1/82]
- [Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]
- [Filed 9/28/84, Notice 8/1/84—published 10/24/84, effective 12/1/84]
- [Filed 10/18/85, Notice 9/11/85—published 11/6/85, effective 1/1/86]
- [Filed emergency 1/15/87—published 2/11/87, effective 1/15/87]
- [Filed 3/26/87, Notice 1/28/87—published 4/22/87, effective 6/1/87]
- [Filed emergency 6/19/87—published 7/15/87, effective 7/1/87]
- [Filed 8/28/87, Notice 7/15/87—published 9/23/87, effective 11/1/87]
- [Filed 1/22/88, Notice 11/18/87—published 2/10/88, effective 4/1/88]
- [Filed 9/21/88, Notice 8/10/88—published 10/19/88, effective 12/1/88]
- [Filed 12/8/88, Notice 9/7/88—published 12/28/88, effective 2/1/89]
- [Filed emergency 5/11/90—published 5/30/90, effective 7/1/90]
- [Filed emergency 10/10/91—published 10/30/91, effective 11/1/91]
- [Filed 12/11/91, Notice 10/30/91—published 1/8/92, effective 3/1/92]
- [Filed 10/14/93, Notice 9/1/93—published 11/10/93, effective 1/1/94]
- [Filed emergency 6/16/94—published 7/6/94, effective 7/1/94]
- [Filed 8/12/94, Notice 7/6/94—published 8/31/94, effective 11/1/94]
- [Filed 12/12/95, Notice 10/25/95—published 1/3/96, effective 3/1/96]
- [Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]
- [Filed 9/16/97, Notice 7/2/97—published 10/8/97, effective 12/1/97]
- [Filed emergency 6/10/98—published 7/1/98, effective 6/10/98]
- [Filed 7/15/98, Notice 6/3/98—published 8/12/98, effective 10/1/98]
- [Filed 8/12/98, Notice 7/1/98—published 9/9/98, effective 11/1/98]
- [Filed 11/10/99, Notice 9/22/99—published 12/1/99, effective 2/1/00]
- [Filed 5/9/01, Notice 3/21/01—published 5/30/01, effective 8/1/01]
- [Filed 9/11/01, Notice 7/11/01—published 10/3/01, effective 12/1/01]
- [Filed emergency 10/10/02 after Notice 6/26/02—published 10/30/02, effective 12/1/02]
- [Filed emergency 6/12/03—published 7/9/03, effective 7/1/03]
- [Filed 9/22/03, Notice 7/9/03—published 10/15/03, effective 12/1/03]
- [Filed emergency 6/14/04 after Notice 4/28/04—published 7/7/04, effective 7/1/04]
- [Filed 9/17/08, Notice 7/30/08—published 10/8/08, effective 12/1/08]
- [Filed 10/14/08, Notice 8/13/08—published 11/5/08, effective 1/1/09]



[Filed ARC 8098B (Notice ARC 7815B, IAB 6/3/09), IAB 9/9/09, effective 11/1/09]  
[Filed ARC 0418C (Notice ARC 0258C, IAB 8/8/12), IAB 10/31/12, effective 1/1/13]  
[Filed ARC 0666C (Notice ARC 0554C, IAB 1/9/13), IAB 4/3/13, effective 6/1/13]  
[Filed ARC 0715C (Notice ARC 0566C, IAB 1/23/13), IAB 5/1/13, effective 7/1/13]  
[Filed ARC 0996C (Notice ARC 0787C, IAB 6/12/13), IAB 9/4/13, effective 11/1/13]  
[Filed ARC 1209C (Notice ARC 1007C, IAB 9/4/13), IAB 12/11/13, effective 2/1/14]  
[Filed ARC 1636C (Notice ARC 1556C, IAB 7/23/14), IAB 10/1/14, effective 1/1/15]<sup>1</sup>  
[Filed ARC 1637C (Notice ARC 1555C, IAB 7/23/14), IAB 10/1/14, effective 1/1/15]  
[Filed ARC 1809C (Notice ARC 1705C, IAB 10/29/14), IAB 1/7/15, effective 3/1/15]  
[Filed ARC 1851C (Notice ARC 1739C, IAB 11/26/14), IAB 2/4/15, effective 4/1/15]  
[Filed Emergency After Notice ARC 1852C (Notice ARC 1738C, IAB 11/26/14), IAB 2/4/15,  
effective 1/15/15]  
[Filed ARC 1893C (Notice ARC 1819C, IAB 1/7/15), IAB 3/4/15, effective 7/1/15]

<sup>1</sup> January 1, 2015, effective date of ARC 1636C [110.5(1)“a”] delayed 70 days by the Administrative Rules Review Committee at its meeting held October 14, 2014.



TITLE XV  
INDIVIDUAL AND FAMILY SUPPORT  
AND PROTECTIVE SERVICES

CHAPTER 170  
CHILD CARE SERVICES

[Prior to 7/1/83, Social Services[770] Ch 132]  
[Previously appeared as Ch 132—renumbered IAB 2/29/84]  
[Prior to 2/11/87, Human Services[498]]

PREAMBLE

The intent of this chapter is to establish requirements for the payment of child care services. Child care services are for children of low-income parents who are in academic or vocational training; or employed or looking for employment; or for a limited period of time, unable to care for children due to physical or mental illness; or needing protective services to prevent or alleviate child abuse or neglect. Services may be provided in a licensed child care center, a registered child development home, the home of a relative, the child's own home, a nonregistered family child care home, or in a facility exempt from licensing or registration.

**441—170.1(237A) Definitions.**

*“Agency error”* means child care assistance incorrectly paid for the client because of action attributed to the department as the result of one or more of the following circumstances:

1. Loss or misfiling of forms or documents.
2. Errors in typing or copying.
3. Computer input errors.
4. Mathematical errors.
5. Failure to determine eligibility correctly or to certify assistance in the correct amount when all essential information was available to the department.
6. Failure to make timely changes in assistance following amendments of policies that require the changes by a specific date.

*“Child care”* means a service that provides child care in the absence of parents for a portion of the day, but less than 24 hours. Child care supplements parental care by providing care and protection for children who need care in or outside their homes for part of the day. Child care provides experiences for each child's social, emotional, intellectual, and physical development. Child care may involve comprehensive child development care or it may include special services for a child with special needs. Components of this service shall include supervision, food services, program and activities, and may include transportation.

*“Child with protective needs”* means a child who is not in foster care and has a case file that identifies child care as a safety or well-being need to prevent or alleviate the effects of child abuse or neglect. Child care is provided as part of a safety plan during a child abuse or child in need of assistance assessment or as part of the service plan established in the family's case plan. The child must have:

1. An open child abuse assessment;
2. An open child in need of assistance assessment;
3. An open child welfare case as a result of a child abuse assessment;
4. A petition on file for a child in need of assistance adjudication; or
5. Adjudication as a child in need of assistance.

*“Child with special needs”* means a child with one or more of the following conditions:

1. The child has been diagnosed by a physician or by a person endorsed for service as a school psychologist by the Iowa department of education to have a developmental disability which substantially limits one or more major life activities, and the child requires professional treatment, assistance in self-care, or the purchase of special adaptive equipment.
2. The child has been determined by a qualified mental retardation professional to have a condition which impairs the child's intellectual and social functioning.

3. The child has been diagnosed by a mental health professional to have a behavioral or emotional disorder characterized by situationally inappropriate behavior which deviates substantially from behavior appropriate to the child's age, or which significantly interferes with the child's intellectual, social, or personal adjustment.

*"Client"* means a current or former recipient of the child care assistance program.

*"Client error"* means and may result from:

1. False or misleading statements, oral or written, regarding the client's income, resources, or other circumstances which affect eligibility or the amount of assistance received;
2. Failure to timely report changes in income, resources, or other circumstances which affect eligibility or the amount of assistance received;
3. Failure to timely report the receipt of child care units in excess of the number approved by the department;
4. Failure to comply with the need for service requirements.

*"Department"* means the Iowa department of human services.

*"Food services"* means the preparation and serving of nutritionally balanced meals and snacks.

*"Fraudulent means"* means knowingly making or causing to be made a false statement or a misrepresentation of a material fact, knowingly failing to disclose a material fact, or committing a fraudulent practice.

*"In-home"* means care which is provided within the child's own home.

*"Migrant seasonal farm worker"* means a person to whom all of the following conditions apply:

1. The person performs seasonal agricultural work which requires travel so that the person is unable to return to the person's permanent residence within the same day.
2. Most of the person's income is derived from seasonal agricultural work performed during the months of July through October. Most shall mean the simple majority of the income.
3. The person generally performs seasonal agricultural work in Iowa during the months of July through October.

*"On-line or distance learning"* means training such as, but not limited to, training conducted over the Iowa communications network, on-line courses, or Web conferencing. The training includes:

1. Interaction between the instructor and the student, such as required chats or message boards;
2. Mechanisms for evaluation and measurement of student achievement.

*"Overpayment"* means any benefit or payment received in an amount greater than the amount the client or provider is entitled to receive.

*"Parent"* means the parent or the person who serves in the capacity of the parent of the child receiving child care assistance services.

*"Program and activities"* means the daily schedule of experiences in a child care setting.

*"PROMISE JOBS"* means the department's training program, promoting independence and self-sufficiency through employment job opportunities and basic skills, as described in 441—Chapter 93.

*"Provider"* means a licensed child care center, a registered child development home, a relative who provides care in the relative's own home solely for a related child, a caretaker who provides care for a child in the child's home, a nonregistered child care home, or a child care facility which is exempt from licensing or registration.

*"Provider error"* means and may result from:

1. Presentation for payment of any false or fraudulent claim for services or merchandise;
2. Submittal of false information for the purpose of obtaining greater compensation than that to which the provider is legally entitled;
3. Failure to report the receipt of a child care assistance payment in excess of that approved by the department;
4. Charging the department an amount for services rendered over and above what is charged private pay clients for the same services;
5. Failure to maintain a copy of Form 470-4535, Child Care Assistance Billing/Attendance Provider Record, signed by the parent and the provider.

*“Recoupment”* means the repayment of an overpayment by a payment from the client or provider or both.

*“Relative”* means an adult aged 18 or older who is a grandparent, aunt or uncle to the child being provided child care.

*“Supervision”* means the care, protection, and guidance of a child.

*“Transportation”* means the movement of children in a four or more wheeled vehicle designed to carry passengers, such as a car, van, or bus, between home and facility.

*“Unit of service”* means a half day which shall be up to 5 hours of service per 24-hour period.

*“Vocational training or education”* means a training plan which includes a specific goal, that is, high school completion, improved English skills, or development of specific academic or vocational skills.

Training may be approved for high school completion activities, high school equivalency, adult basic education, English as a second language, or postsecondary education, up to and including an associate or a baccalaureate degree program.

[ARC 8506B, IAB 2/10/10, effective 3/1/10; ARC 9651B, IAB 8/10/11, effective 10/1/11; ARC 1525C, IAB 7/9/14, effective 7/1/14; ARC 1606C, IAB 9/3/14, effective 10/8/14]

**441—170.2(237A,239B) Eligibility requirements.** A person deemed eligible for benefits under this chapter is subject to all other state child care assistance requirements including, but not limited to, provider requirements under Iowa Code chapter 237A and provider reimbursement methodology. The department shall determine the number of units of service to be approved.

**170.2(1) Financial eligibility.** Financial eligibility for child care assistance shall be based on federal poverty levels as determined by the Office of Management and Budget and on Iowa’s median family income as determined by the U.S. Census Bureau. Poverty guidelines and median family income amounts are updated annually. Changes shall go into effect for the child care assistance program on July 1 of each year.

a. *Income limits.* For initial and ongoing eligibility, a family’s nonexempt gross monthly income as established in paragraph 170.2(1) “c” cannot exceed:

(1) 145 percent of the federal poverty level applicable to the family size for children needing basic care, or

(2) 200 percent of the federal poverty level applicable to the family size for children needing special-needs care, or

(3) 85 percent of Iowa’s median family income, if that figure is lower than the standard in subparagraph (1) or (2).

b. *Exceptions to income limits.*

(1) A person who is participating in activities approved under the PROMISE JOBS program is eligible for child care assistance without regard to income if there is a need for child care services.

(2) A person who is part of the family investment program or whose earned income was taken into account in determining the needs of a family investment program recipient is eligible for child care assistance without regard to income if there is a need for child care services.

(3) Protective child care services are provided without regard to income.

(4) In certain cases, the department will provide child care services directed in a court order.

c. *Determining gross income.* Eligibility shall be determined using a projection of income based on the best estimate of future income. In determining a family’s gross monthly income, the department shall consider all income received by a family member from sources identified by the U.S. Census Bureau in computing median income, unless excluded under paragraph 170.2(1) “d.”

(1) Income considered shall include wages or salary, net profit from farm or nonfarm self-employment, social security, dividends, interest, income from estates or trusts, net rental income and royalties, public assistance or welfare payments, pensions and annuities, unemployment compensation, workers’ compensation, alimony, child support, veterans pensions, cash payments, casino profits, railroad retirement, permanent disability insurance, strike pay and living allowance payments made to participants of the AmeriCorps program. “Net profit from self-employment” means gross income

less the costs of producing the income other than depreciation. A net loss in self-employment income cannot be offset from other earned or unearned income.

(2) For migrant seasonal farm workers, the monthly gross income shall be determined by calculating the total amount of income earned in a 12-month period preceding the date of application and dividing the total amount by 12.

(3) When income received weekly or once every two weeks is projected for future months, income shall be projected by adding all income received in the period being used for the projection and dividing the result by the number of instances of income received in that period. The result shall be multiplied by four if the income is received weekly, or by two if the income is received biweekly, regardless of the number of weekly or biweekly payments to be made in future months.

*d. Income exclusions.* The following sources are excluded from the computation of monthly gross income:

(1) Per capita payments from or funds held in trust in satisfaction of a judgment of the Indian Claims Commission or the court of claims.

(2) Payments made pursuant to the Alaska Claims Settlement Act, to the extent the payments are exempt from taxation under Section 21(a) of the Act.

(3) Money received from the sale of property, unless the person was engaged in the business of selling property.

(4) Withdrawals of bank deposits.

(5) Money borrowed.

(6) Tax refunds.

(7) Gifts.

(8) Lump-sum inheritances or insurance payments or settlements.

(9) Capital gains.

(10) The value of the food assistance allotment under the Food and Nutrition Act of 2008.

(11) The value of USDA donated foods.

(12) The value of supplemental food assistance under the Child Nutrition Act of 1966 and the special food program for children under the National School Lunch Act.

(13) Earnings of a child 14 years of age or younger.

(14) Loans and grants obtained and used under conditions that preclude their use for current living expenses.

(15) Any grant or loan to any undergraduate student for educational purposes made or insured under the Higher Education Act.

(16) Home produce used for household consumption.

(17) Earnings received by any youth under the Workforce Investment Act (WIA).

(18) Stipends received for participating in the foster grandparent program.

(19) The first \$65 plus 50 percent of the remainder of income earned in a sheltered workshop or work activity setting.

(20) Payments from the Low-Income Home Energy Assistance Program.

(21) Agent Orange settlement payments.

(22) The income of the parents with whom a teen parent resides.

(23) For children with special needs, income spent on any regular ongoing cost that is specific to that child's disability.

(24) Moneys received under the federal Social Security Persons Achieving Self-Sufficiency (PASS) program or the Income-Related Work Expense (IRWE) program.

(25) Income received by a Supplemental Security Income recipient if the recipient's earned income was considered in determining the needs of a family investment program recipient.

(26) The income of a child who would be in the family investment program eligible group except for the receipt of Supplemental Security Income.

(27) Any adoption subsidy payments received from the department.

(28) Federal or state earned income tax credit.

(29) Payments from the Iowa individual assistance grant program (IIAGP).

(30) Payments from the transition to independence program (TIP).

(31) Payments to volunteers participating in the Volunteers in Service to America (VISTA) program.

EXCEPTION: This exemption will not be applied when the director of ACTION determines that the value of all VISTA payments, adjusted to reflect the number of hours the volunteer is serving, is equivalent to or greater than the minimum wage then in effect under the Fair Labor Standards Act of 1938 or the minimum wage under the laws of the state where the volunteer is serving, whichever is greater.

(32) Reimbursement from the employer for job-related expenses.

(33) Stipends from the preparation for adult living (PAL) program.

(34) Payments from the subsidized guardianship waiver program.

(35) The earnings of a child aged 18 or under who is a full-time student.

(36) Census earnings received by temporary workers from the Bureau of the Census.

(37) Payments for major disaster and emergency assistance provided under the Disaster Relief Act of 1974 as amended by Public Law 100-707, the Disaster Relief and Emergency Assistance Amendments of 1988.

*e. Family size.* The following people shall be included in the family size for the determination of eligibility:

(1) Legal spouses (including common law) who reside in the same household.

(2) Natural mother or father, adoptive mother or father, or stepmother or stepfather, and children who reside in the same household.

(3) A child or children who live with a person or persons not legally responsible for the child's support.

*f. Effect of temporary absence.* The composition of the family does not change when a family member is temporarily absent from the household. "Temporary absence" means:

(1) An absence for the purpose of education or employment.

(2) An absence due to medical reasons that is anticipated to last less than three months.

(3) Any absence when the person intends to return home within three months.

**170.2(2) General eligibility requirements.** In addition to meeting financial requirements, the child needing services must meet age, citizenship, and residency requirements. Each parent in the household must have at least one need for service and shall cooperate with the department's quality control review and with investigations conducted by the department of inspections and appeals.

*a. Age.* Child care shall be provided only to children up to age 13, unless they are children with special needs, in which case child care shall be provided up to age 19.

*b. Need for service.* Except for assistance provided under subparagraph 170.2(2)"b"(3), assistance shall be provided to a two-parent family only during the parents' coinciding hours of participation in training, employment, or job search. Each parent in the household shall meet one or more of the following requirements:

(1) The parent is in academic or vocational training. Training shall be on a full-time basis. The training facility shall define what is considered as full-time. Part-time training may be approved only if the number of credit hours to complete training is less than that required for full-time status, the required prerequisite credits or remedial course work is less than that required for full-time status, or training is not offered on a full-time basis. Child care services may be provided for the parent's hours of participation in the academic or vocational training and for actual travel time between the child care location and the training facility.

1. Child care provided while the parent participates in postsecondary education leading up to and including a baccalaureate degree program or vocational training shall be limited to a 24-month lifetime limit. A month is defined as a fiscal month or part thereof and shall generally have starting and ending dates that fall within two adjacent calendar months but shall only count as one month. Time spent in high school completion, adult basic education, high school equivalency, or English as a second language does not count toward the 24-month limit. PROMISE JOBS child care allowances provided while the parent is a recipient of the family investment program and participating in PROMISE JOBS components in postsecondary education or training shall count toward the 24-month lifetime limit.

2. Payment shall not be approved for child-care during training in the following circumstances:

- Labor market statistics for a local area indicate low employment potential for workers with that training. Exceptions may be made when the parent has a job offer before entering the training or if a parent is willing to relocate after training to an area where there is employment potential. Parents willing to relocate must provide documentation from the department of workforce development, private employment agencies, or employers that jobs paying at least minimum wage for which training is being requested are available in the locale specified by the parent.

- The training is for jobs paying less than minimum wage.
- A parent who possesses a baccalaureate degree wants to take additional college coursework unless the coursework is to obtain a teaching certificate or complete continuing education units.
- The course or training is one that the parent has previously completed.
- The parent was previously unable to maintain the cumulative grade point average required by the training or academic facility in the same training for which application is now being made. This does not apply to parents under the age of 18 who are enrolled in high school completion activities.
- The education is in a field in which the parent will not be able to be employed due to known criminal convictions or founded child or dependent adult abuse.
- The parent wants to participate in on-line or distance learning from the parent's own home, and the training facility does not require specified hours of attendance.

(2) The parent is employed 28 or more hours per week or an average of 28 or more hours per week during the month. Child care services may be provided for the hours of employment and for actual travel time between the child care location and the place of employment. If the parent works a shift consisting of at least six hours of employment between the hours of 8 p.m. and 6 a.m. and needs to sleep during daytime hours, child care services may also be provided to allow the parent to sleep during daytime hours.

(3) The parent has a child with protective needs for child care.

(4) The parent is absent from the home due to inpatient hospitalization or outpatient treatment because of physical or mental illness, or is present but due to medical incapacity is unable to care for the child or participate in work or training, as verified by a physician.

1. Eligibility under this paragraph is limited to parents who become medically incapacitated while eligible for child care assistance based on the need criteria in subparagraph 170.2(2) "b"(1) or 170.2(2) "b"(2).

2. Child care assistance shall continue to be available for up to 30 consecutive days after the parent becomes medically incapacitated. Assistance beyond 30 days may be approved by the service area manager or designee if extenuating circumstances are verified by a physician.

3. The number of units of service authorized shall be determined as follows:

- For a single parent family or for a two-parent family where both parents are incapacitated, the number of units authorized for the period of incapacity shall not exceed the number of units authorized for the family before the onset of incapacity.

- For a two-parent family where only one parent is incapacitated, the units of service authorized shall be based on the need of the parent who is not incapacitated.

(5) The parent is looking for employment. Child care for job search hours shall be limited to only those hours the parent is actually looking for employment including travel time.

1. A job search plan shall be approved by the department and be limited to a maximum of 30 consecutive calendar days in a 12-month period. EXCEPTION: Additional job search hours may be paid for PROMISE JOBS participants if approved by the PROMISE JOBS worker.

2. Documentation of job search contacts shall be furnished to the department. The department may enter into a nonfinancial coordination agreement for information exchange concerning job search documentation.

(6) The parent needs child care services due to participation in activities approved under the PROMISE JOBS program.

(7) The family is part of the family investment program and there is a need for child care services due to employment or participation in vocational training or education. A family who meets this requirement due to employment is not required to work a minimum number of hours. If a parent in a



family investment program household remains in the home, child care assistance can be paid if that parent receives Supplemental Security Income.

(8) The parent is employed and participating in academic or vocational training for 28 or more hours per week or an average of 28 or more hours per week in the aggregate, during the month. Child care services may be provided for the hours of employment, the hours of participation in academic or vocational training and for actual travel time between the child care location and the place of employment or training. All of the requirements relating to academic or vocational training found at subparagraph 170.2(2)“b”(1), except for the requirement to be enrolled full-time, apply to the part-time training in this subparagraph.

*c. Residency.* To be eligible for child care services, the person must be living in the state of Iowa. “Living in the state” shall include those persons living in Iowa for a temporary period, other than for the purpose of vacation.

*d. Citizenship.* As a condition of eligibility, the applicant shall attest to the child’s citizenship or alien status by signing Form 470-3624 or 470-3624(S), Child Care Assistance Application, or Form 470-0462 or 470-0462(S), Health and Financial Support Application. Child care assistance payments may be made only for a child who:

(1) Is a citizen or national of the United States; or

(2) Is a qualified alien as defined at 8 U.S.C. Section 1641. The applicant shall furnish documentation of the alien status of any child declared to be a qualified alien. A child who is a qualified alien is not eligible for child care assistance for a period of five years beginning on the date of the child’s entry into the United States with qualified alien status.

EXCEPTION: The five-year prohibition from receiving assistance does not apply to:

1. Qualified aliens described at 8 U.S.C. Section 1613; or

2. Qualified aliens as defined at 8 U.S.C. Section 1641 who entered the United States before August 22, 1996.

*e. Cooperation.* Parents shall cooperate with the department when the department selects the family’s case for quality control review to verify eligibility. Parents shall also cooperate with investigations conducted by the department of inspections and appeals to determine whether information supplied by the parent regarding eligibility for child care assistance is complete and correct. (See 481—Chapter 72.)

(1) Failure to cooperate shall serve as a basis for cancellation or denial of the family’s child care assistance.

(2) Once denied or canceled for failure to cooperate, the family may reapply but shall not be considered for approval until cooperation occurs.

**170.2(3) Priority for assistance.** Child care services shall be provided only when funds are available. Funds available for child care assistance shall first be used to continue assistance to families currently receiving child care assistance and to families with protective child care needs. When funds are insufficient, families applying for services must meet the specific requirements in this subrule.

*a. Priority groups.* As funds are determined available, families shall be served on a statewide basis from a service-area-wide waiting list as specified in subrule 170.3(4) based on the following schedule in descending order of prioritization.

(1) Families with an income at or below 100 percent of the federal poverty level whose members, for at least 28 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program, and parents with a family income at or below 100 percent of the federal poverty level who are under the age of 21 and are participating in an educational program leading to a high school diploma or equivalent.

(2) Parents under the age of 21 with a family income at or below 100 percent of the federal poverty guidelines who are participating, at a satisfactory level, in an approved training program or in an education program.

(3) Families with an income of more than 100 percent but not more than 145 percent of the federal poverty guidelines whose members, for at least 28 hours per week in the aggregate, are employed or are participating at a satisfactory level in an approved training program or educational program.

(4) Families with an income at or below 200 percent of the federal poverty guidelines whose members are employed at least 28 hours per week with a special-needs child as a member of the family.

*b. Exceptions to priority groups.* The following are eligible for child care assistance notwithstanding waiting lists for child care services:

(1) Families with protective child care needs.

(2) Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients.

(3) Families that receive a state adoption subsidy for a child.

*c. Effect on need for service.* Families approved under a priority group are not required to meet the requirements in paragraph 170.2(2) “b” except at review or redetermination.

**170.2(4) Reporting changes.** The parent must report any changes in circumstances affecting these eligibility requirements and changes in the choice of provider to the department worker or the PROMISE JOBS worker within ten calendar days of the change.

*a.* If the change is timely reported within ten calendar days, the effective date of the change shall be the date when the change occurred.

*b.* If the change is not timely reported, the effective date of the change shall be the date when the change is reported to the department office or PROMISE JOBS office.

[ARC 8506B, IAB 2/10/10, effective 3/1/10; ARC 9651B, IAB 8/10/11, effective 10/1/11; ARC 1525C, IAB 7/9/14, effective 7/1/14; ARC 1606C, IAB 9/3/14, effective 10/8/14]

#### **441—170.3(237A,239B) Application and determination of eligibility.**

##### **170.3(1) Application process.**

*a.* Application for child care assistance may be made at any local office of the department on:

(1) Form 470-3624 or 470-3624(S), Child Care Assistance Application,

(2) Form 470-0462 or 470-0462(S), Health and Financial Support Application, or

(3) Form 470-4377 or 470-4377(S), Child Care Assistance Review, when returned after the end of the certification period.

*b.* The application may be filed by the applicant, by the applicant’s authorized representative or, when the applicant is incompetent or incapacitated, by a responsible person acting on behalf of the applicant.

*c.* The date of application is the date a signed application form containing a legible name and address is received in the department office. An electronic or paper application delivered to a closed office is considered to be received on the first day following the day the office was last open that is not a weekend or state holiday.

*d.* Families who are determined eligible for child care assistance shall be approved for a certification period of no longer than six months. Families who fail to complete the review and redetermination process as described at subrule 170.3(5) will lose eligibility at the end of the certification period.

##### **170.3(2) Exceptions to application requirement.** An application is not required for:

*a.* A person who is participating in activities approved under the PROMISE JOBS program.

*b.* Recipients of the family investment program or those whose earned income was taken into account in determining the needs of family investment program recipients. The date of application is the date the family requests child care assistance from the department.

*c.* Children with protective needs.

*d.* Child care services provided under a court order.

*e.* Families whose application has been denied for failure to provide requested information who have provided all necessary information to determine eligibility within 14 days of the denial of the application, or by the next working day if the fourteenth day falls on a weekend or state holiday.

**170.3(3) Application processing.** The department shall approve or deny an application as soon as possible, but no later than 30 days following the date the application was received. This time limit shall apply except in unusual circumstances, such as when the department and the applicant have made every reasonable effort to secure necessary information that has not been supplied by the date the time

limit expires, or because of emergency situations, such as fire, flood or other conditions beyond the administrative control of the department.

*a.* The department worker or PROMISE JOBS worker shall determine the number of units of service authorized for each eligible family and shall:

- (1) Inform the family through the notice of decision; and
- (2) Inform the family's provider through the notice of decision or through Form 470-4444, Certificate of Enrollment.

*b.* The department shall issue a written notice of decision to the applicant by the next working day following a determination of eligibility.

*c.* The effective date of assistance shall be the date of application or the date the need for service began, whichever is later. When an application is not required as described under subrule 170.3(2), the effective date shall be as follows:

(1) For a person participating in activities under the PROMISE JOBS program, the effective date of child care assistance shall be the date the person becomes a PROMISE JOBS participant as defined in rule 441—93.1(239B) or the date the person has a need for child care assistance to participate in an approved PROMISE JOBS activity as described in 441—Chapter 93, whichever is later.

(2) For a family receiving family investment program benefits, the effective date of child care assistance shall be no earlier than the effective date of family investment program benefits, or 30 days before the date of application for child care assistance, or the date the need for service began, whichever is the latest.

(3) For a family with protective service needs, the effective date of assistance shall be the date the family signs Form 470-0615 or 470-0615(S), Application for All Social Services.

(4) When child care services are provided under a court order, the effective date of assistance shall be the date specified in the court order or the date of the court order if no date is specified.

(5) For a family whose application was denied for failure to provide requested information but who provides all information necessary to determine eligibility, including verification of all changes in circumstances, within 14 days of the denial, the effective date of assistance shall be the date that all information required to establish eligibility is provided. If the fourteenth calendar day falls on a weekend or state holiday, the family shall have until the next business day to provide the information.

**170.3(4) *Waiting lists for child care services.*** When the department has determined that there may be insufficient funding, applications for child care assistance shall be taken only for the priority groups for which funds have been determined available according to subrule 170.2(3).

*a.* The department shall maintain a log of families applying for child care services that meet the requirements within the priority groups for which funds may be available.

(1) Each family shall be entered on the logs according to their eligibility priority group and in sequence of their date of application.

(2) If more than one application is received on the same day for the same priority group, families shall be entered on the log based on the day of the month of the birthday of the oldest eligible child. The lowest numbered day shall be first on the log. Any subsequent tie shall be decided by the month of birth, January being month one and the lowest number.

*b.* When the department determines that there is adequate funding, the department shall notify the public regarding the availability of funds.

**170.3(5) *Review and redetermination.*** The department shall redetermine a family's financial and general eligibility for child care assistance at least every six months. EXCEPTION: The department shall redetermine only general eligibility for recipients of the family investment program (FIP), persons whose earned income was taken into account in determining the needs of FIP recipients, and parents who have children with protective needs, because these families are deemed financially eligible so long as the FIP eligibility or need for protective services continues.

*a.* If FIP or protective services eligibility ends, the department shall redetermine financial and general eligibility for child care assistance according to the requirements in rule 441—170.2(237A,239B). The redetermination of eligibility shall be completed within 30 days.

*b.* The department shall use information gathered on Form 470-4377 or 470-4377(S), Child Care Assistance Review, to redetermine eligibility, except when the family is not required to complete a review form as provided in paragraph 170.3(5) “*c.*”

(1) The department shall issue a notice of expiration for the child care assistance certification period on Form 470-4377 or 470-4377(S).

(2) If the family does not return a complete review form to the department by the end of the certification period, the family must reapply for benefits, except as provided in paragraph 170.3(6) “*b.*” A complete review form is Form 470-4377 or 470-4377(S) with all items answered that is signed and dated by the applicant and is accompanied by all verification needed to determine continued eligibility.

*c.* Families who have children with protective needs and families who are receiving child care assistance because the parent is participating in activities under the PROMISE JOBS program are not required to complete Form 470-4377 or 470-4377(S).

(1) The department shall issue a notice of expiration for the child care assistance certification period on the notice of decision when the department approves the family’s certification period.

(2) The department shall gather information needed to redetermine general eligibility. If the department needs information from the family, the department will send a written request to the family. If the family does not return the requested information by the due date, the family must reapply for child care assistance, except as provided in paragraph 170.3(6) “*b.*”

*d.* Families who are receiving child care assistance because the parent is seeking employment are not subject to review requirements because eligibility is limited to 30 consecutive calendar days. This waiver of the review requirement applies only when the parent who is seeking employment does not have another need for service.

**170.3(6) Reinstatement.**

*a.* Assistance shall be reinstated without a new application when all necessary information is provided before the effective date of cancellation and eligibility can be reestablished. If there is a change in circumstances, the change must be verified before the case will be reinstated.

*b.* Assistance shall be reinstated without a new application when the case was canceled for failure to provide requested information but all information necessary to determine eligibility, including verification of all changes in circumstances, is provided within 14 days of the effective date of cancellation and eligibility can be reestablished. If the fourteenth calendar day falls on a weekend or state holiday, the family shall have until the next business day to provide the information. The effective date of child care assistance shall be the date that all information required to establish eligibility is provided.

[ARC 8506B, IAB 2/10/10, effective 3/1/10; ARC 9651B, IAB 8/10/11, effective 10/1/11]

**441—170.4(237A) Elements of service provision.**

**170.4(1) Case file.** The child welfare case file shall document the eligibility for service under 170.2(2) “*b*”(3).

**170.4(2) Fees.** Fees for services received shall be charged to clients according to the schedules in this subrule, except that fees shall not be charged to clients receiving services without regard to income. The fee is a per-unit charge that is applied to the child in the family who receives the largest number of units of service. The fee shall be charged for only one child in the family, regardless of how many children receive assistance.

*a. Sliding fee schedule.*

(1) The fee schedule shown in the following table is effective for eligibility determinations made on or after July 1, 2014:

Level	Monthly Income According to Family Size										Unit Fee Based on Number of Children in Care		
	1	2	3	4	5	6	7	8	9	10	1	2	3 or more
A	\$924	\$1,245	\$1,568	\$1,889	\$2,210	\$2,532	\$2,853	\$3,174	\$3,496	\$3,817	\$0.00	\$0.00	\$0.00
B	\$973	\$1,311	\$1,650	\$1,988	\$2,326	\$2,665	\$3,003	\$3,341	\$3,680	\$4,018	\$0.20	\$0.45	\$0.70
C	\$1,000	\$1,348	\$1,696	\$2,044	\$2,391	\$2,740	\$3,087	\$3,435	\$3,783	\$4,131	\$0.45	\$0.70	\$0.95
D	\$1,027	\$1,384	\$1,742	\$2,099	\$2,456	\$2,814	\$3,171	\$3,528	\$3,886	\$4,243	\$0.70	\$0.95	\$1.20
E	\$1,056	\$1,423	\$1,791	\$2,158	\$2,525	\$2,893	\$3,260	\$3,627	\$3,995	\$4,362	\$0.95	\$1.20	\$1.45
F	\$1,085	\$1,462	\$1,840	\$2,217	\$2,594	\$2,972	\$3,349	\$3,726	\$4,104	\$4,481	\$1.20	\$1.45	\$1.70
G	\$1,115	\$1,503	\$1,891	\$2,279	\$2,666	\$3,055	\$3,443	\$3,830	\$4,219	\$4,606	\$1.45	\$1.70	\$1.95
H	\$1,146	\$1,544	\$1,943	\$2,341	\$2,739	\$3,138	\$3,536	\$3,934	\$4,334	\$4,732	\$1.70	\$1.95	\$2.20
I	\$1,178	\$1,587	\$1,997	\$2,407	\$2,816	\$3,226	\$3,635	\$4,044	\$4,455	\$4,864	\$1.95	\$2.20	\$2.45
J	\$1,210	\$1,630	\$2,052	\$2,472	\$2,892	\$3,314	\$3,734	\$4,155	\$4,576	\$4,996	\$2.20	\$2.45	\$2.70
K	\$1,244	\$1,676	\$2,109	\$2,541	\$2,973	\$3,407	\$3,839	\$4,271	\$4,704	\$5,136	\$2.45	\$2.70	\$2.95
L	\$1,278	\$1,722	\$2,167	\$2,611	\$3,054	\$3,500	\$3,943	\$4,387	\$4,832	\$5,276	\$2.70	\$2.95	\$3.20
M	\$1,313	\$1,770	\$2,227	\$2,684	\$3,140	\$3,598	\$4,054	\$4,510	\$4,968	\$5,424	\$2.95	\$3.20	\$3.45
N	\$1,349	\$1,818	\$2,288	\$2,757	\$3,225	\$3,696	\$4,164	\$4,633	\$5,103	\$5,572	\$3.20	\$3.45	\$3.70
O	\$1,387	\$1,869	\$2,352	\$2,834	\$3,316	\$3,799	\$4,281	\$4,763	\$5,246	\$5,728	\$3.45	\$3.70	\$3.95
P	\$1,425	\$1,920	\$2,416	\$2,911	\$3,406	\$3,903	\$4,397	\$4,892	\$5,389	\$5,884	\$3.70	\$3.95	\$4.20
Q	\$1,465	\$1,974	\$2,484	\$2,993	\$3,501	\$4,012	\$4,521	\$5,029	\$5,540	\$6,049	\$3.95	\$4.20	\$4.45
R	\$1,505	\$2,027	\$2,551	\$3,074	\$3,597	\$4,121	\$4,644	\$5,166	\$5,691	\$6,213	\$4.20	\$4.45	\$4.70
S	\$1,547	\$2,084	\$2,623	\$3,160	\$3,698	\$4,236	\$4,774	\$5,311	\$5,850	\$6,387	\$4.45	\$4.70	\$4.95
T	\$1,589	\$2,141	\$2,694	\$3,246	\$3,798	\$4,352	\$4,904	\$5,456	\$6,009	\$6,561	\$4.70	\$4.95	\$5.20
U	\$1,633	\$2,201	\$2,770	\$3,337	\$3,905	\$4,474	\$5,041	\$5,608	\$6,178	\$6,745	\$4.95	\$5.20	\$5.45
V	\$1,678	\$2,261	\$2,845	\$3,428	\$4,011	\$4,596	\$5,178	\$5,761	\$6,346	\$6,929	\$5.20	\$5.45	\$5.70
W	\$1,725	\$2,324	\$2,925	\$3,524	\$4,123	\$4,724	\$5,323	\$5,923	\$6,523	\$7,123	\$5.45	\$5.70	\$5.95
X	\$1,772	\$2,387	\$3,005	\$3,620	\$4,236	\$4,853	\$5,468	\$6,084	\$6,701	\$7,317	\$5.70	\$5.95	\$6.20
Y	\$1,821	\$2,454	\$3,089	\$3,721	\$4,354	\$4,989	\$5,621	\$6,254	\$6,889	\$7,522	\$5.95	\$6.20	\$6.45
Z	\$1,871	\$2,521	\$3,173	\$3,823	\$4,473	\$5,125	\$5,775	\$6,425	\$7,076	\$7,726	\$6.20	\$6.45	\$6.70
AA	\$1,923	\$2,592	\$3,262	\$3,930	\$4,598	\$5,268	\$5,936	\$6,604	\$7,275	\$7,943	\$6.45	\$6.70	\$6.95
BB	\$1,976	\$2,662	\$3,351	\$4,037	\$4,723	\$5,412	\$6,098	\$6,784	\$7,473	\$8,159	\$6.70	\$6.95	\$7.20

(2) To use the chart:

1. Find the family size used in determining income eligibility for service.
2. Move across the monthly income table to the column headed by that number. (See paragraph "5" if the family has more than ten members.)
3. Move down the column for the applicable family size to the highest figure that is equal to or less than the family's gross monthly income. Income at or above that amount (but less than the amount in the next row) corresponds to the fees in the last three columns of that row.
4. Choose the fee that corresponds to the number of children in the family who receive child care assistance.
5. When a family has more than ten members, determine the income level by multiplying the figures in the four-member column for the rows closest to the family's income level by 0.03. Round the numbers to the nearest dollar and multiply by the number of family members in excess of ten. Add the results to the amounts in the ten-member column to determine the threshold amounts.

(3) EXAMPLES:

1. Family 1 has two members, monthly income of \$1,250, and one child in care. Since the income is at or above the Level A amount but less than the Level B amount, Family 1 pays \$0.00 for each unit of child care service that the child receives.

2. Family 2 has three members, monthly income of \$1,650, and one child in care. Since the income is at or above the Level B amount but less than the Level C amount, Family 2 pays \$0.20 for each unit of child care service that the child receives.

3. Family 3 has three members, monthly income of \$1,650, and two children in care. The younger child receives ten units of child care service per week. The older child is school-aged and receives only five units of service per week. Since the income is at or above the Level B amount but less than the Level C amount, Family 3 pays \$0.45 for each unit of child care service that the younger child receives.

*b. Collection.* The provider shall collect fees from clients.

(1) The provider shall maintain records of fees collected. These records shall be available for audit by the department or its representative.

(2) When a client does not pay the fee, the provider shall demonstrate that a reasonable effort has been made to collect the fee. "Reasonable effort to collect" means an original billing and two follow-up notices of nonpayment.

*c. Inability of client to pay fees.* Child care assistance may be continued without a fee, or with a reduced fee, when a client reports in writing the inability to pay the assessed fee due to the existence of one or more of the conditions set forth below. Before reducing the fee, the worker shall assess the case to verify that the condition exists and to determine whether a reduced fee can be charged. The reduced fee shall then be charged until the condition justifying the reduced fee no longer exists. Reduced fees may be justified by:

(1) Extensive medical bills for which there is no payment through insurance coverage or other assistance.

(2) Shelter costs that exceed 30 percent of the household income.

(3) Utility costs not including the cost of a telephone that exceed 15 percent of the household income.

(4) Additional expenses for food resulting from diets prescribed by a physician.

**170.4(3) Method of provision.** Parents shall be allowed to exercise their choice for in-home care, except when the parent meets the need for service under subparagraph 170.2(2)"b"(3), as long as the conditions in paragraph 170.4(7)"d" are met. When the child meets the need for service under 170.2(2)"b"(3), parents shall be allowed to exercise their choice of licensed, registered, or nonregistered child care provider except when the department service worker determines it is not in the best interest of the child.

The provider must meet one of the applicable requirements set forth below.

*a. Licensed child care center.* A child care center shall be licensed by the department to meet the requirements set forth in 441—Chapter 109 and shall have a current Certificate of License, Form 470-0618.

*b. Registered child development home.* A child development home shall meet the requirements for registration set forth in 441—Chapter 110 and shall have a current Certificate of Registration, Form 470-3498.

*c. Registered family child care home.* Rescinded IAB 1/7/04, effective 3/1/04.

*d. Relative care.* Rescinded IAB 2/6/02, effective 4/1/02.

*e. In-home care.* The adult caretaker selected by the parent to provide care in the child's own home shall be sent the pamphlet Comm. 95 or Comm. 95(S), Minimum Health and Safety Requirements for Nonregistered Child Care Home Providers, and Form 470-2890 or 470-2890(S), Payment Application for Nonregistered Providers. The provider shall complete and sign Form 470-2890 or 470-2890(S) and return the form to the department before payment may be made. An identifiable application is an application that contains a legible name and address and that has been signed. Signature on the form certifies the provider's understanding of and compliance with the conditions and requirements for nonregistered providers that include:

(1) Minimum health and safety requirements;

- (2) Limits on the number of children for whom care may be provided;
- (3) Unlimited parental access to the child or children during hours when care is provided, unless prohibited by court order; and

- (4) Conditions that warrant nonpayment.

*f. Nonregistered family child care home.* The adult caretaker selected by the parent to provide care in a nonregistered family child care home shall be sent the pamphlet Comm. 95 or Comm. 95(S), Minimum Health and Safety Requirements for Nonregistered Child Care Home Providers, and Form 470-2890 or 470-2890(S), Payment Application for Nonregistered Providers. The provider shall complete and sign Form 470-2890 or 470-2890(S) and return the form to the department before payment may be made. An identifiable application is an application that contains a legible name and address and that has been signed. Signature on the form certifies the provider's understanding of and compliance with the conditions and requirements for nonregistered providers that include:

- (1) Minimum health and safety requirements;
- (2) Limits on the number of children for whom care may be provided;
- (3) Unlimited parental access to the child or children during hours when care is provided, unless prohibited by court order; and
- (4) Conditions that warrant nonpayment.

*g. Exempt facilities.* Child care facilities operated by or under contract to a public or nonpublic school accredited by the department of education that are exempt from licensing or registration may receive payment for child care services when selected by a parent.

*h. Iowa records checks for nonregistered child care homes and in-home care.* If a nonregistered child care provider or a person who provides in-home care applies to receive public funds as reimbursement for providing child care for eligible clients, the provider shall complete and submit to the department Form 470-5143, Iowa Department of Human Services Record Check Authorization Form, for the provider, for anyone having access to a child when the child is alone, and for anyone 14 years of age or older living in the home. The department shall use this form to conduct Iowa criminal history record and child abuse record checks.

- (1) The purpose of these checks is to determine whether the person has committed a transgression that prohibits or limits the person's involvement with child care.

- (2) The department may also conduct criminal and child abuse record checks in other states and may conduct dependent adult abuse, sex offender registry, and other public or civil offense record checks in Iowa or in other states.

- (3) Records checks shall be repeated for each person subject to the check every two years and when the department or provider becomes aware of any new transgressions committed by that person.

*i. National criminal history record checks for nonregistered child care homes and in-home care.* If a nonregistered child care provider or a person who provides in-home care applies to receive public funds as reimbursement for providing child care for eligible clients, the provider shall complete Form DCI-45, Waiver Agreement, and Form FD-258, Federal Fingerprint Card, for the provider, for anyone 18 years of age or older who is living in the home, or for anyone having access to a child when the child is alone.

- (1) The provider or other person subject to this check shall submit any other forms required by the department of public safety to authorize the release of records.

- (2) The provider or other person subject to this check is responsible for any costs associated with obtaining the fingerprints and for submitting the prints to the department.

- (3) Fingerprints may be taken (rolled) by law enforcement agencies or by agencies or companies that specialize in taking fingerprints.

- (4) The national criminal history record check shall be repeated for each person subject to the check every four years and when the department or provider becomes aware of any new transgressions committed by that person in another state.

- (5) The department may rely on the results of previously conducted national criminal history record checks when a person subject to a record check in one child development home or child care home submits a request for involvement with child care in another child care home, so long as the person's

national criminal history record check is within the allowable four-year time frame. All initial or new applications shall require a new national criminal history record check.

*j. Transgressions.* If any person subject to the record checks in paragraph 170.4(3)“h” or 170.4(3)“i” has a record of founded child abuse, dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department shall follow the process for prohibition or evaluation defined at 441—subrule 110.7(3).

(1) If any person would be prohibited from registration, employment, or residence, the person shall not provide child care and is not eligible to receive public funds to do so. The department’s designee shall notify the applicant.

(2) A person who continues to provide child care in violation of this rule is subject to penalty and injunction under Iowa Code chapter 237A.

**170.4(4) Components of service program.** Every child eligible for child care services shall receive supervision, food services, and program and activities, and may receive transportation.

**170.4(5) Levels of service according to age.** Rescinded IAB 9/30/92, effective 10/1/92.

**170.4(6) Provider’s individual program plan.** Rescinded IAB 2/10/10, effective 3/1/10.

**170.4(7) Payment.** The department shall make payment for child care provided to an eligible family when the family reports their choice of provider to the department and the provider has a completed Form 470-3871 or 470-3871(S), Child Care Assistance Provider Agreement, on file with the department. Both the child care provider and the department worker shall sign this form.

*a. Rate of payment.* The rate of payment for child care services, except for in-home care which shall be paid in accordance with 170.4(7)“d,” shall be the actual rate charged by the provider for a private individual, not to exceed the maximum rates shown below. When a provider does not have a half-day rate in effect, a rate is established by dividing the provider’s declared full-day rate by 2. When a provider has neither a half-day nor a full-day rate, a rate is established by multiplying the provider’s declared hourly rate by 4.5. Payment shall not exceed the rate applicable to the provider and age group in Table I, except for special needs care which shall not exceed the rate applicable to the provider and age group in Table II. To be eligible for the special needs rate, the provider must submit documentation to the child’s service worker that the child needing services has been assessed by a qualified professional and meets the definition for “child with special needs,” and a description of the child’s special needs, including, but not limited to, adaptive equipment, more careful supervision, or special staff training.

Table I Half-Day Rate Ceilings for Basic Care				
Age Group	Child Care Center	Child Development Home Category A or B	Child Development Home Category C	Nonregistered Family Home
Infant and Toddler	\$16.78	\$12.98	\$12.44	\$8.19
Preschool	\$13.53	\$12.18	\$12.18	\$7.19
School Age	\$12.18	\$10.82	\$10.82	\$7.36

Table II Half-Day Rate Ceilings for Special Needs Care				
Age Group	Child Care Center	Child Development Home Category A or B	Child Development Home Category C	Nonregistered Family Home
Infant and Toddler	\$51.94	\$17.05	\$13.40	\$10.24
Preschool	\$30.43	\$15.83	\$13.40	\$ 8.99
School Age	\$30.34	\$14.61	\$12.18	\$ 9.20

The following definitions apply in the use of the rate tables:



(1) “Child care center” shall mean those providers as defined in 170.4(3) “a” and “g.” “Registered child development home” shall mean those providers as defined in 170.4(3) “b.” “Nonregistered family child care home” shall mean those providers as defined in 170.4(3) “f.”

(2) Under age group, “infant and toddler” shall mean age two weeks to two years; “preschool” shall mean two years to school age; “school age” shall mean a child in attendance in full-day or half-day classes.

*b. Payment for days of absence.* Payment may be made to a child care provider defined in subrule 170.4(3) for an individual child not in attendance at a child care facility not to exceed four days per calendar month providing that the child is regularly scheduled on those days and the provider also charges a private individual for days of absence.

*c. Payment for multiple children in a family.* When a provider reduces the charges for the second and any subsequent children in a family with multiple children whose care is unsubsidized, the rate of payment made by the department for a family with multiple children shall be similarly reduced.

*d. Payment for in-home care.* Payment may be made for in-home care when there are three or more children in a family who require child care services. The rate of payment for in-home care shall be the minimum wage amount.

*e. Limitations on payment.* Payment shall not be made for therapeutic services that are provided in the care setting and include, but are not limited to, services such as speech, hearing, physical and other therapies, individual or group counseling, therapeutic recreation, and crisis intervention.

*f. Review of the calculation of the rate of payment.* Maximum rate ceilings are not appealable. A provider who is in disagreement with the calculation of the half-day rate as set forth in 170.4(7) “a” may request a review. The procedure for review is as follows:

(1) Within 15 calendar days of notification of the rate in question, the provider shall send a written request for review to the service area manager. The request shall identify the specific rate in question and the methodology used to calculate the rate. The service manager shall provide a written response within 15 calendar days of receipt of the request for review.

(2) When dissatisfied with the response, the provider may, within 15 calendar days of the response, request a review by the chief of the bureau of financial support. The provider shall submit to the bureau chief the original request, the response received, and any additional information desired. The bureau chief shall render a decision in writing within 15 calendar days of receipt of the request.

(3) The provider may appeal the decision to the director of the department or the director’s designee within 15 calendar days of the decision. The director or director’s designee shall issue the final department decision within 15 calendar days of receipt of the request.

*g. Submission of claims.* The department shall issue payment when the provider submits correctly completed documentation of attendance and charges. The department shall pay for no more than the number of units of service authorized in the notice of decision issued pursuant to subrule 170.3(3). Providers shall submit a claim in one of the following ways:

(1) Using Form 470-4534, Child Care Assistance Billing/Attendance; or

(2) Using an electronic request for payment submitted through the KinderTrack system. Providers using this method shall print Form 470-4535, Child Care Assistance Billing/Attendance Provider Record, to be signed by the provider and the parent. The provider shall keep the signed Form 470-4535 for a period of five years after the billing date.

[ARC 7837B, IAB 6/3/09, effective 7/1/09; ARC 8506B, IAB 2/10/10, effective 3/1/10; ARC 9490B, IAB 5/4/11, effective 7/1/11; ARC 9651B, IAB 8/10/11, effective 10/1/11; ARC 0152C, IAB 6/13/12, effective 7/18/12; ARC 0546C, IAB 1/9/13, effective 1/1/13; ARC 0715C, IAB 5/1/13, effective 7/1/13; ARC 0825C, IAB 7/10/13, effective 7/1/13; ARC 0854C, IAB 7/24/13, effective 7/1/13; ARC 1063C, IAB 10/2/13, effective 11/6/13; ARC 1446C, IAB 4/30/14, effective 7/1/14]

#### **441—170.5(237A) Adverse actions.**

**170.5(1) Provider agreement.** The department may refuse to enter into or may revoke the Child Care Assistance Provider Agreement, Form 470-3871 or 470-3871(S), if any of the following occur:

*a.* The department finds a hazard to the safety and well-being of a child, and the provider cannot or refuses to correct the hazard.

*b.* The provider has submitted claims for payment for which the provider is not entitled.

c. The provider fails to cooperate with an investigation conducted by the department of inspections and appeals to determine whether information the provider supplied to the department regarding payment for child care services is complete and correct. Once the agreement is revoked for failure to cooperate, the department shall not enter into a new agreement with the provider until cooperation occurs.

d. The provider does not meet one of the applicable requirements set forth in subrule 170.4(3).

e. The provider fails to comply with any of the terms and conditions of the Child Care Assistance Provider Agreement, Form 470-3871 or 470-3871(S).

f. The provider submits attendance documentation for payment and the provider knows or should have known that the documentation is false or inaccurate.

g. An overpayment of CCA funds with a balance of \$3,000 or more exists for a provider and that provider fails to enter into a repayment agreement with the department of inspections and appeals (DIA) or does not make payments according to the repayment agreement on file with DIA.

h. The provider is found to have more children in care at one time than allowed for the provider type as found at rule 441—110.4(237A) and 441—subrules 110.8(1), 110.9(1), 110.10(1) and 170.4(3).

**170.5(2) Denial.** Child care assistance shall be denied when the department determines that:

a. The client is not in need of service; or

b. The client is not financially eligible; or

c. There is another resource available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers; or

d. An application is required and the client or representative refuses or fails to sign the application form; or

e. Funding is not available; or

f. The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources (signing a general authorization for release of information to the department does not meet this responsibility); or

g. The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections and appeals.

**170.5(3) Termination.** Child care assistance may be terminated when the department determines that:

a. The client no longer meets the eligibility criteria in subrule 170.2(2); or

b. The client's income exceeds the financial guidelines; or

c. The client refuses or fails to supply information or verification requested or to request assistance and authorize the department to secure the required information or verification from other sources (signing a general authorization for release of information to the department does not meet this responsibility); or

d. No payment or only partial payment of client fees has been received within 30 days following the issuance of the last billing; or

e. Another resource is available to provide the service or a similar service free of charge that allows parents to select from the full range of eligible providers; or

f. Funding is not available; or

g. The client fails to cooperate with a quality control review or with an investigation conducted by the department of inspections and appeals.

**170.5(4) Reduction.** Authorized units of service may be reduced when the department determines that:

a. Continued provision of service at the current level is not necessary to meet the client's service needs; or

b. Another resource is available to provide the same or similar service free of charge that will meet the client's needs and allow parents to select from the full range of eligible providers; or

c. Funding is not available to continue the service at the current level. When funding is not available, the department may limit on a statewide basis the number of units of child care services for which payment will be made.

**170.5(5) Provider agreement sanction.** If a Child Care Assistance Provider Agreement, Form 470-3871 or 470-3871(S), is terminated for any of the reasons in subrule 170.5(1), the agreement shall remain terminated for the time periods set forth below:

- a. The first time the agreement is terminated, the provider may reapply for another agreement at any time.
- b. The second time the agreement is terminated, the provider may not reapply for another agreement for 12 months from the effective date of termination.
- c. The third or subsequent time the agreement is terminated, the provider may not reapply for another agreement for 36 months from the effective date of termination.
- d. The department shall not act on an application for a child care assistance provider agreement submitted by a provider during the sanction period.

[ARC 7740B, IAB 5/6/09, effective 6/10/09; ARC 8506B, IAB 2/10/10, effective 3/1/10; ARC 9651B, IAB 8/10/11, effective 10/1/11; ARC 1893C, IAB 3/4/15, effective 7/1/15]

**441—170.6(237A) Appeals.** Notice of adverse actions and the right of appeal shall be given in accordance with 441—Chapter 7.

**441—170.7(237A) Provider fraud.**

**170.7(1) Fraud.** The department shall consider a child care provider to have committed fraud when:

- a. The department of inspections and appeals, in an administrative or judicial proceeding, has found the provider to have obtained by fraudulent means child care assistance payment in an amount in excess of \$1,000; or
- b. The provider has agreed to entry of a civil judgment or judgment by confession that includes a conclusion of law that the provider has obtained by fraudulent means child care assistance payment in an amount in excess of \$1,000.

**170.7(2) Potential sanctions.** Providers found to have committed fraud shall be subject to one or more of the following sanctions, as determined by the department:

- a. Special review of the provider's claims for child care assistance.
- b. Suspension from receipt of child care assistance payment for six months.
- c. Ineligibility to receive payment under child care assistance.

**170.7(3) Factors considered in determining level of sanction.** The department shall evaluate the following factors in determining the sanction to be imposed:

- a. *History of prior violations.*
  - (1) If the provider has no prior violations, the sanction imposed shall be a special review of provider claims.
  - (2) If the provider has one prior violation, the sanction imposed shall be a suspension from receipt of child care assistance payment for six months as well as a special review of provider claims.
  - (3) If the provider has more than one prior violation, the sanction imposed shall be ineligibility to receive payment under child care assistance.
- b. *Prior imposition of sanctions.*
  - (1) If the provider has not been sanctioned before, the sanction imposed shall be a special review of the provider's claims for child care assistance.
  - (2) If the provider has been sanctioned once before, the sanction imposed shall be a suspension from receipt of child care assistance payment for six months as well as a special review of provider claims.
  - (3) If the provider has been sanctioned more than once before, the sanction imposed shall be ineligibility to receive payment under child care assistance.
- c. *Seriousness of the violation.*
  - (1) If the amount fraudulently received is less than \$5,000, the sanction level shall be determined according to paragraphs "a" and "b."
  - (2) If the amount fraudulently received is \$5,000 or more, and the sanction determined according to paragraphs "a" and "b" is review of provider claims, the sanction imposed shall be suspension from receipt of child care assistance payment.

(3) If the amount fraudulently received is \$5,000 or more, and the sanction determined according to paragraphs “a” and “b” is suspension from receipt of child care assistance payment, the sanction imposed shall be ineligibility to receive payment under child care assistance.

*d. Extent of the violation.*

(1) If the fraudulent claims involve five invoices or less or five months or less, the sanction level shall be determined according to paragraphs “a” and “b.”

(2) If the fraudulent claims involve at least six invoices or six months, and the sanction determined according to paragraphs “a” and “b” is review of provider claims, the sanction imposed shall be suspension from receipt of child care assistance payment.

(3) If the fraudulent claims involve at least six invoices or six months, and the sanction determined according to paragraphs “a” and “b” is suspension from receipt of child care assistance payment, the sanction imposed shall be ineligibility to receive payment under child care assistance.

**170.7(4) Mitigating factors.**

*a.* If the sanction determined according to subrule 170.7(3) is suspension from or ineligibility for receipt of child care assistance payment, the department shall determine whether it is appropriate to reduce the level of a sanction for the particular case, considering:

(1) Prior provision of provider education.

(2) Provider willingness to obey program rules.

*b.* If the sanction determined according to subrule 170.7(3) is ineligibility for receipt of child care assistance payment, but consideration of the two factors in paragraph “a” indicates that a lesser sanction will resolve the violation, the sanction imposed shall be:

(1) Suspension from receipt of child care assistance payment for six months; and

(2) A special review of provider claims.

*c.* If the sanction determined according to subrule 170.7(3) is suspension from receipt of child care assistance payment, but consideration of the two factors in paragraph “a” indicates that a lesser sanction will resolve the violation, the sanction imposed shall be a special review of provider claims.

**441—170.8(234) Allocation of funds.** Rescinded IAB 2/6/02, effective 4/1/02.

**441—170.9(237A) Child care assistance overpayments.** All child care assistance overpayments shall be subject to recoupment.

**170.9(1) Notification and appeals.** All clients or providers shall be notified as described at subrule 170.9(6), when it is determined that an overpayment exists. Notification shall include the amount, date and reason for the overpayment. The department shall provide additional information regarding the computation of the overpayment upon the client’s or provider’s request. The client or provider may appeal the computation of the overpayment and any action to recover the overpayment in accordance with 441—subrule 7.5(9).

**170.9(2) Determination of overpayments.** All overpayments due to client, provider, or agency error or due to benefits or payments issued pending an appeal decision shall be recouped. Overpayments shall be computed as if the information had been acted upon timely.

**170.9(3) Benefits or payments issued pending appeal decision.** Recoupment of overpayments resulting from benefits or payments issued pending a decision on an appeal hearing shall not occur until after a final appeal decision is issued affirming the department.

**170.9(4) Failure to cooperate.** Failure by the client to cooperate in the investigation of alleged overpayments shall result in ineligibility for the months in question and the overpayment shall be the total amount of assistance received during those months. Failure by the provider to cooperate in the investigation of alleged overpayments shall result in payments being recouped for the months in question.

**170.9(5) Payment agreement.** The client or provider may choose to make a lump-sum payment or make periodic installment payments as agreed to on the notification form issued pursuant to subrule 170.9(6). Failure to negotiate an approved payment agreement may result in further collection action as outlined in 441—Chapter 11.

**170.9(6) Procedures for recoupment.**

a. When the department determines that an overpayment exists, the department shall refer the case to the department of inspections and appeals for investigation, recoupment, or referral for possible prosecution.

b. The department of inspections and appeals shall initiate recoupment by notifying the debtor of the overpayment on Form 470-4530, Notice of Child Care Assistance Overpayment.

c. When financial circumstances change, the department of inspections and appeals has the authority to revise the recoupment plan.

d. Recoupment for overpayments due to client error or due to an agency error that affected eligibility shall be made from the parent who received child care assistance at the time the overpayment occurred. When two parents were in the home at the time the overpayment occurred, both parents are equally responsible for repayment of the overpayment.

e. Recoupment for overpayments due to provider error or due to an agency error that affected benefits shall be made from the provider.

f. Recoupment for overpayments caused by both the provider and client shall be collected from both the provider and client equally, 50 percent from the client and 50 percent from the provider.

**170.9(7) Suspension and waiver:** Recoupment will be suspended on nonfraud overpayments when the amount of the overpayment is less than \$35. Recoupment will be waived on nonfraud overpayments of less than \$35 which have been held in suspense for three years.

[ARC 9651B, IAB 8/10/11, effective 10/1/11; ARC 1893C, IAB 3/4/15, effective 7/1/15]

These rules are intended to implement Iowa Code sections 237A.13 and 237A.29.

[Filed 7/3/79, Notice 12/27/78—published 7/25/79, effective 9/1/79]

[Filed 7/18/80, Notice 3/5/80—published 8/6/80, effective 9/10/80]

[Filed 12/19/80, Notice 10/29/80—published 1/7/81, effective 2/11/81]

[Filed 1/16/81, Notice 12/10/80—published 2/4/81, effective 4/1/81]

[Filed 4/29/82, Notice 3/3/82—published 5/26/82, effective 7/1/82]

[Filed 5/21/82, Notice 3/31/82—published 6/9/82, effective 8/1/82]

[Filed emergency 9/23/82—published 10/13/82, effective 9/23/82]

[Filed emergency 6/17/83—published 7/6/83, effective 7/1/83]

[Filed emergency 2/10/84—published 2/29/84, effective 2/10/84]

[Filed 1/15/87, Notice 12/3/86—published 2/11/87, effective 4/1/87]

[Filed 9/21/88, Notice 8/10/88—published 10/19/88, effective 12/1/88]

[Filed emergency 6/8/89 after Notice of 5/3/89—published 6/28/89, effective 7/1/89]

[Filed emergency 6/8/89—published 6/28/89, effective 7/1/89]

[Filed 8/17/89, Notice 6/28/89—published 9/6/89, effective 11/1/89]

[Filed 9/15/89, Notice 8/9/89—published 10/4/89, effective 12/1/89]

[Filed emergency 10/10/91—published 10/30/91, effective 11/1/91]

[Filed 12/11/91, Notice 10/30/91—published 1/8/92, effective 3/1/92]

[Filed emergency 9/11/92—published 9/30/92, effective 10/1/92]

[Filed 11/10/92, Notice 9/30/92—published 12/9/92, effective 2/1/93]

[Filed emergency 6/11/93—published 7/7/93, effective 7/1/93]

[Filed 8/12/93, Notice 7/7/93—published 9/1/93, effective 11/1/93]

[Filed emergency 10/14/93—published 11/10/93, effective 12/1/93]

[Filed 12/16/93, Notice 11/10/93—published 1/5/94, effective 3/1/94]

[Filed emergency 6/16/94—published 7/6/94, effective 7/1/94]

[Filed 8/12/94, Notice 7/6/94—published 8/31/94, effective 11/1/94]

[Filed emergency 6/7/95—published 7/5/95, effective 7/1/95]

[Filed 8/10/95, Notice 7/5/95—published 8/30/95, effective 11/1/95]

[Filed emergency 6/13/96—published 7/3/96, effective 7/1/96]

[Filed emergency 7/10/96—published 7/31/96, effective 8/1/96]

[Filed 9/17/96, Notices 7/3/96, 7/31/96—published 10/9/96, effective 12/1/96]

[Filed 4/11/97, Notice 2/26/97—published 5/7/97, effective 7/1/97]

[Filed emergency 6/12/97—published 7/2/97, effective 7/1/97]  
 [Filed 8/13/97, Notice 7/2/97—published 9/10/97, effective 11/1/97]  
 [Filed 9/16/97, Notice 7/16/97—published 10/8/97, effective 12/1/97]  
 [Filed 5/13/98, Notice 3/25/98—published 6/3/98, effective 8/1/98]  
 [Filed 8/12/98, Notice 6/17/98—published 9/9/98, effective 11/1/98]  
 [Filed 2/10/99, Notice 12/16/98—published 3/10/99, effective 5/1/99]  
 [Filed emergency 6/10/99—published 6/30/99, effective 7/1/99]  
 [Filed 8/12/99, Notice 6/30/99—published 9/8/99, effective 11/1/99]  
 [Filed 2/9/00, Notice 12/29/99—published 3/8/00, effective 5/1/00]  
 [Filed emergency 6/8/00—published 6/28/00, effective 7/1/00]  
 [Filed 8/9/00, Notice 6/14/00—published 9/6/00, effective 11/1/00]  
 [Filed 2/14/01, Notice 11/29/00—published 3/7/01, effective 5/1/01]  
 [Filed 5/9/01, Notice 3/21/01—published 5/30/01, effective 8/1/01]  
 [Filed 1/9/02, Notice 11/28/01—published 2/6/02, effective 4/1/02]  
 [Filed emergency 6/12/03—published 7/9/03, effective 7/1/03]  
 [Filed 9/22/03, Notice 7/9/03—published 10/15/03, effective 12/1/03]  
 [Filed 12/16/03, Notice 10/29/03—published 1/7/04, effective 3/1/04]  
 [Filed emergency 5/14/04—published 6/9/04, effective 7/1/04]  
 [Filed 8/12/04, Notice 6/9/04—published 9/1/04, effective 10/6/04]  
 [Filed emergency 7/15/05—published 8/3/05, effective 9/1/05]  
 [Filed 10/21/05, Notice 8/3/05—published 11/9/05, effective 12/14/05]  
 [Filed emergency 11/16/05—published 12/7/05, effective 12/1/05]  
 [Filed emergency 5/12/06—published 6/7/06, effective 7/1/06]  
 [Filed 10/20/06, Notice 8/30/06—published 11/8/06, effective 1/1/07]  
 [Filed 4/11/07, Notice 2/14/07—published 5/9/07, effective 7/1/07]  
 [Filed emergency 6/14/07—published 7/4/07, effective 7/1/07]  
 [Filed 6/13/07, Notice 4/11/07—published 7/4/07, effective 9/1/07]  
 [Filed emergency 9/12/07—published 10/10/07, effective 9/12/07]  
 [Filed 9/12/07, Notice 7/4/07—published 10/10/07, effective 11/14/07]  
 [Filed emergency 3/12/08—published 4/9/08, effective 3/12/08]  
 [Filed emergency 5/14/08—published 6/4/08, effective 7/1/08]  
 [Filed 5/16/08, Notice 3/26/08—published 6/18/08, effective 8/1/08]  
 [Filed 6/11/08, Notice 4/9/08—published 7/2/08, effective 8/6/08]  
 [Filed 8/19/08, Notice 7/2/08—published 9/10/08, effective 11/1/08]  
 [Filed emergency 9/17/08 after Notice 7/16/08—published 10/8/08, effective 10/1/08]  
 [Filed ARC 7740B (Notice ARC 7590B, IAB 2/25/09), IAB 5/6/09, effective 6/10/09]  
 [Filed Emergency ARC 7837B, IAB 6/3/09, effective 7/1/09]  
 [Filed Emergency After Notice ARC 8506B (Notice ARC 8274B, IAB 11/4/09), IAB 2/10/10,  
 effective 3/1/10]  
 [Filed Without Notice ARC 9490B, IAB 5/4/11, effective 7/1/11]  
 [Filed ARC 9651B (Notice ARC 9518B, IAB 5/18/11), IAB 8/10/11, effective 10/1/11]  
 [Filed Without Notice ARC 0152C, IAB 6/13/12, effective 7/18/12]  
 [Filed Emergency After Notice ARC 0546C (Notice ARC 0368C, IAB 10/3/12), IAB 1/9/13, effective  
 1/1/13]  
 [Filed ARC 0715C (Notice ARC 0566C, IAB 1/23/13), IAB 5/1/13, effective 7/1/13]  
 [Filed Emergency After Notice ARC 0825C (Notice ARC 0670C, IAB 4/3/13), IAB 7/10/13, effective  
 7/1/13]  
 [Filed Emergency ARC 0854C, IAB 7/24/13, effective 7/1/13]  
 [Filed ARC 1063C (Notice ARC 0852C, IAB 7/24/13), IAB 10/2/13, effective 11/6/13]  
 [Filed ARC 1446C (Notice ARC 1365C, IAB 3/5/14), IAB 4/30/14, effective 7/1/14]  
 [Filed Emergency ARC 1525C, IAB 7/9/14, effective 7/1/14]  
 [Filed ARC 1606C (Notice ARC 1524C, IAB 7/9/14), IAB 9/3/14, effective 10/8/14]

[Filed ARC 1893C (Notice ARC 1819C, IAB 1/7/15), IAB 3/4/15, effective 7/1/15]





CHAPTER 187  
AFTERCARE SERVICES PROGRAM

PREAMBLE

These rules define and structure the aftercare services program, which assists youth leaving foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in their successful transition to adulthood. The aftercare services program, including the preparation for adult living (PAL) program component, helps youth formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center to continue preparing for the challenges and opportunities presented by adulthood while receiving services and supports. The program also offers financial benefits to eligible youth up to the age of 21. All services and supports are voluntary.

DIVISION I  
AFTERCARE SERVICES

**441—187.1(234) Purpose.** The purpose of the aftercare services program is to provide services and supports to youth aged 18, 19 or 20 who were formerly in foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center. The primary goal of the program is for participants to achieve self-sufficiency and to recognize and accept their personal responsibility for the transition from adolescence to adulthood.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.2(234) Aftercare services program eligibility requirements.** To be eligible for aftercare services, a youth must meet the following requirements:

**187.2(1) Residence.** The youth must be a resident of Iowa.

**187.2(2) Age.** The youth must be at least 18 years of age but less than 21 years of age.

**187.2(3) Out-of-home placement experience.**

*a.* The youth must:

(1) Leave foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center:

1. On or after the youth's eighteenth birthday; or

2. Between the ages of 17½ and 18 after being in any combination of foster care, the Iowa state training school, or a court-ordered detention center in at least 6 of the last 12 months before the youth left placement; or

(2) Have been adopted from foster care on or after the youth's sixteenth birthday; or

(3) Have entered a subsidized guardianship arrangement from foster care on or after the youth's sixteenth birthday.

*b.* For purposes of this division, "foster care" is defined as 24-hour substitute care for a child who is placed away from the child's parents or guardians and for whom the department or juvenile court services has placement and care responsibility through either court order or voluntary agreement.

*c.* A placement may meet the definition of foster care regardless of whether:

(1) The placement is licensed and the state or a local agency makes payments for the child's care;

(2) Adoption subsidy payments are being made before the finalization of adoption; or

(3) There is federal matching of any payments made.

*d.* Foster care may include, but is not limited to, placement in:

(1) A foster family home; or

(2) A foster care group home; or

(3) An emergency shelter; or

(4) A preadoptive home; or

(5) The home of a relative or suitable person; or

(6) A psychiatric medical institution for children (PMIC).

**187.2(4) Responsibility.** The youth must:

- a.* Actively take part in developing and participating in a self-sufficiency plan; and
- b.* Indicate recognition and acceptance of personal responsibility in the transition toward self-sufficiency.

[ARC 8717B, IAB 5/5/10, effective 7/1/10; ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.3(234) Services and supports provided.** The aftercare services program shall provide the following services and supports to eligible youth:

**187.3(1) *Individual self-sufficiency plan.*** Each youth shall have an individual self-sufficiency plan based on an assessment of the youth's strengths and needs. The plan shall identify:

- a.* The youth's goals for achieving self-sufficiency;
- b.* The target date for reaching the goals; and
- c.* The tasks, responsible parties, time frames, and desired outcomes needed to reach the goals.

**187.3(2) *Case management.*** Case management activities shall include, but not be limited to, all of the following:

*a.* Connection to community involvement services to enable the youth to access community resources.

*b.* Assistance in development and maintenance of healthy support systems, including services to assist the youth in establishing or reestablishing relationships with significant adults.

*c.* Services, supports, and life skills training, which shall be provided as defined in the youth's self-sufficiency plan and according to the youth's needs. Services shall be offered at a location convenient for the youth. Life skills training shall include but not be limited to the youth's establishing and maintaining safe and stable housing; education goals; employment goals; health and health care coverage; and healthy relationships.

*d.* Additional case management activities necessary for youth participating in the preparation for adult living (PAL) program component as outlined in rules 441—187.10(234) through 441—187.15(234) below.

*e.* Follow-up. The case manager shall maintain individual face-to-face contact with the youth at the frequency defined in the youth's self-sufficiency plan and according to the youth's changing needs. If a youth is a resident of Iowa but attending a postsecondary education program in another state, the program administrator or designee shall approve an alternative method for maintaining contact with the youth if and when it is a hardship for the youth to physically be in Iowa.

*f.* Ongoing assessment. Ongoing assessment activities shall be directed toward the coordination and evaluation of the services, supports, and life skills training being provided to assist the youth in reaching self-sufficiency goals and to determine if and what progress is being made. The case manager shall amend any goals, outcomes, tasks, responsible parties, and time frames in the plan along with services, supports, and life skills training provided as necessary to assist the youth in achieving self-sufficiency.

**187.3(3) *Vendor payments.*** The program shall make vendor payments to meet direct expenses of the participant that are necessary in order to meet goals of the participant's self-sufficiency plan.

*a. Need.* To receive a vendor payment, the youth must demonstrate that there are no other means to meet these needs. Youth receiving a PAL stipend are not eligible for a vendor payment.

*b. Scope.* Vendor payments may include but are not limited to:

- (1) Health care-related expenses;
- (2) Transportation assistance;
- (3) Costs related to employment and education;
- (4) Clothing; and
- (5) Room and board.

*c. Maximum payment.* The amount available for a 12-month period of service shall not exceed \$1200 per youth.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.4(234) Termination.** Aftercare services and supports shall be terminated when any of the following conditions apply:

**187.4(1)** The youth fails to follow self-sufficiency plan components and expectations as determined by the program administrator.

**187.4(2)** The youth voluntarily withdraws from the aftercare services program.

**187.4(3)** The youth is no longer a resident of Iowa.

**187.4(4)** The youth reaches 21 years of age.

**187.4(5)** There are insufficient funds to continue the services.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.5(234) Waiting list.** The program administrator or designee shall create a waiting list when all funds for the aftercare services program are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.6(234) Administration.** The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer the aftercare services program. Agencies and organizations providing services or supports shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.7 to 187.9** Reserved.

These rules are intended to implement Iowa Code section 234.46 and Public Law 106-169, the Foster Care Independence Act of 1999.

DIVISION II  
PREPARATION FOR ADULT LIVING (PAL) PROGRAM COMPONENT

**441—187.10(234) Purpose.** The purpose of the PAL program component is to provide financial support to youth who are eligible for the aftercare services program. Youth receiving a PAL stipend are not eligible to receive aftercare services program vendor payments as specified in subrule 187.3(3).

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.11(234) PAL program component eligibility requirements.** A monthly stipend may be provided to a youth who meets the aftercare services program eligibility requirements in Division I of this chapter and the criteria in subrule 187.11(1) or 187.11(2).

**187.11(1) Foster care experience.** The youth:

*a.* Was in foster care paid for by the state under Iowa Code section 234.35 on the youth's eighteenth birthday; and

*b.* Exited foster care after having been in any combination of foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in at least 6 of the last 12 months before the youth left placement; and

*c.* Is ineligible for voluntary foster care placement under 441—Chapter 202.

**187.11(2) Iowa state training school or Iowa court-ordered juvenile detention center experience.** The youth:

*a.* Was in the Iowa state training school or a court-ordered Iowa juvenile detention center on the youth's eighteenth birthday; and

*b.* Exited the Iowa state training school or a court-ordered Iowa juvenile detention center after May 1, 2014; and

*c.* Exited the state training school or a court-ordered Iowa juvenile detention center after having been in any combination of foster care, the Iowa state training school, or a court-ordered Iowa juvenile detention center in at least 6 of the last 12 months before the youth left placement.

**187.11(3) Living arrangement.** The youth must have a living arrangement other than a parent's home, which may include a former foster family, an apartment, a college dormitory, or another approved arrangement. The program administrator or designee is responsible for approving the living arrangement.

**187.11(4) Activity.** The youth must meet one or more of the following criteria:

- a. Be enrolled in or actively pursuing enrollment in a postsecondary education or training program or work training;
- b. Be employed for 80 hours per month or be actively seeking that level of employment; or
- c. Be attending an accredited school full-time pursuing a course of study leading to a high school diploma; or
- d. Be attending an instructional program leading to a high school equivalency diploma.

**187.11(5) Financial need.** Initial and ongoing eligibility shall be based on the youth's income and need as determined according to rule 441—187.12(234).

[ARC 8717B, IAB 5/5/10, effective 7/1/10; ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.12(234) Payment.** The program administrator or designee shall issue payment to each participant according to the following guidelines:

**187.12(1) Need.** The amount of the PAL stipend shall be based on the needs of the youth as documented in the youth's self-sufficiency plan. Eligibility and the stipend amount shall be based on the best estimate of the youth's income, as determined at least quarterly.

a. All earned and unearned income received by the youth during the 30 days before the determination shall be used to project future income.

(1) If the 30-day period is not indicative of future income, income from a longer period or verification of anticipated income from the income source may be used to project future income.

(2) Nonrecurring lump-sum payments are excluded as income. Nonrecurring lump-sum payments include but are not limited to one-time payments received for such things as income tax refunds, rebates, credits, refunds of security deposits on rental property or utilities, and retroactive payments for past months' benefits such as social security, unemployment insurance, or public assistance.

b. The youth shall timely report the beginning or ending of earned or unearned income. A report shall be considered timely when made within ten days from the receipt of income or the date income ended.

c. When the youth timely reports a change in income, prospective eligibility and stipend amount for the following month shall be determined based on the change.

d. Recoupment shall be made for any overpayment due to failure to timely report a change in income or for benefits paid during an administrative appeal if the department's action is ultimately upheld. Recoupment shall be done through a reasonable reduction of any future stipends.

e. Recoupment shall not be made when a youth timely reports a change in income and the change is timely acted upon, but the timely notice policy in rule 441—7.7(17A) requires that the action be delayed until the second calendar month following the month of change.

**187.12(2) Amount of monthly stipend.** The maximum monthly stipend shall be \$602.70.

a. The stipend shall be prorated based on the date of entry.

b. Effect of income.

(1) When the monthly unearned income of the youth exceeds the maximum monthly stipend, the youth is not eligible for a stipend.

(2) When the net earnings of the youth exceed the maximum monthly stipend, the stipend shall be reduced the following month by 50 cents for every dollar earned over the maximum monthly stipend.

**187.12(3) Payee.** The PAL stipend may be paid to the youth, the foster family, or another payee other than a department employee. The payee shall be agreed upon by the parties involved and specified in the self-sufficiency plan under 187.3(1).

**187.12(4) Start-up allowance.** When a youth is approved for the PAL program component, the program administrator or designee may authorize a start-up allowance in addition to the monthly stipend. The start-up allowance:

a. Is intended to assist in covering the initial costs of establishing the youth's living arrangement, such as rental and utility deposits, purchase of food, and purchase of necessary household items.

b. Shall be based on the youth's income and need as determined according to subrule 187.12(1).

c. Shall not exceed the maximum monthly stipend amount.

[ARC 8451B, IAB 1/13/10, effective 1/1/10; ARC 8653B, IAB 4/7/10, effective 5/12/10; ARC 8717B, IAB 5/5/10, effective 7/1/10; ARC 0851C, IAB 7/24/13, effective 7/1/13; ARC 1064C, IAB 10/2/13, effective 11/6/13; ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.13(234) Termination of stipend.** The PAL stipend shall be terminated according to rule 441—187.4(234) in addition to when any of the following conditions apply:

**187.13(1)** The youth fails to meet work or education eligibility requirements for 30 consecutive days without good cause as determined by the program administrator or designee.

**187.13(2)** The youth fails to maintain satisfactory progress as defined by the education or training program in which the youth is enrolled. A youth who is not making satisfactory progress may stay in the PAL program component by choosing the work option.

**187.13(3)** The youth chooses to live in a nonapproved living arrangement.

**187.13(4)** The youth's budget demonstrates lack of need for the PAL stipend.

**187.13(5)** The youth voluntarily withdraws from the PAL program component.

**187.13(6)** The youth misrepresents income. A PAL stipend shall not be reinstated for at least 30 days if the stipend was terminated due to the youth's misrepresentation of income.

**187.13(7)** There are insufficient funds to continue the stipend.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.14(234) Waiting list.** The program administrator or designee shall create a waiting list when all funds for the PAL program component are committed for the fiscal year. Names shall be entered on the waiting list on a first-come, first-served basis once the youth is determined eligible.

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

**441—187.15(234) Administration.** The department may contract with another state agency or a private organization to perform the administrative and case management functions necessary to administer the PAL program component. Agencies providing support or services shall meet the standards in rules 441—108.2(238) through 441—108.6(238).

[ARC 1894C, IAB 3/4/15, effective 5/1/15]

These rules are intended to implement Iowa Code section 234.46.

[Filed emergency 6/16/06—published 7/5/06, effective 7/1/06]

[Filed emergency 11/9/06 after Notice 7/5/06—published 12/6/06, effective 12/1/06]

[Filed emergency 3/12/08 after Notice 1/30/08—published 4/9/08, effective 4/1/08]

[Filed Emergency ARC 8451B, IAB 1/13/10, effective 1/1/10]

[Filed ARC 8653B (Notice ARC 8452B, IAB 1/13/10), IAB 4/7/10, effective 5/12/10]

[Filed ARC 8717B (Notice ARC 8536B, IAB 2/24/10), IAB 5/5/10, effective 7/1/10]

[Filed Emergency ARC 0851C, IAB 7/24/13, effective 7/1/13]

[Filed ARC 1064C (Notice ARC 0850C, IAB 7/24/13), IAB 10/2/13, effective 11/6/13]

[Filed ARC 1894C (Notice ARC 1817C, IAB 1/7/15), IAB 3/4/15, effective 5/1/15]



CHAPTER 1  
ADMISSION RULES COMMON TO THE THREE STATE UNIVERSITIES  
[Prior to 4/20/88, Regents, Board of[720]]

Preamble: The state board of regents has adopted the following requirements governing admission of students to the three state universities.

Each university is expected to describe in its catalog the requirements and other information necessary to make the admission process operate within the framework of these requirements.

Amendments and changes in these requirements normally are proposed by the universities to the regent committee on educational relations which examines the proposals and makes specific recommendations through the interinstitutional committee on educational coordination to the state board of regents which is empowered by law to establish the admission requirements.

**681—1.1(262) Admission of undergraduate students directly from high school.** Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

**1.1(1) Application.** Applicants must submit a formal application for admission, together with the appropriate application fee as approved by the state board of regents pursuant to Iowa Code subsection 262.9(18) and detailed in rule 681—1.7(262), and have their secondary school provide a transcript of their academic record, including credits and grades, rank in class, and certification of graduation. Applicants must also submit SAT Reasoning Test or ACT scores. Applicants whose primary language is not English must also meet the English language proficiency requirement specified by each university. Applicants may be required to submit additional information or data to support their applications.

**1.1(2) Admission criteria.**

*a. Effective for students who seek admission prior to fall 2009.* Graduates of approved Iowa high schools who have the subject matter background required by each university and who rank in the upper one-half of their graduating class will be admitted to any regent university. Applicants who are not in the upper one-half of their graduating class may, after an individual review of their academic and test records, and at the discretion of the admissions officers:

- (1) Be admitted unconditionally,
- (2) Be admitted conditionally,
- (3) Be required to enroll for a tryout period during a preceding summer session, or
- (4) Be denied admission.

*b. Effective for students who seek admission in fall 2009 and thereafter.*

(1) Decisions on admission to a regent university are based on the following four factors: performance on standardized tests (SAT Reasoning Test or ACT); high school grade point average (GPA); high school percentile rank in class; and number of high school courses completed in the core subject areas. These factors are used in the following equation to calculate a regent admission index (RAI):

$$\text{RAI} = (2 \times \text{ACT composite score}) + (1 \times \text{high school rank expressed as a percentile}) + (20 \times \text{high school grade point average}) + (5 \times \text{number of high school courses completed in the core subject areas})$$

NOTE: For purposes of calculating the regent admission index, the ACT composite score has a top value of 36 (SAT scores will be converted to ACT composite equivalents); high school rank is expressed as a percentile with 99 percent as the top value; high school GPA is expressed in a four-point scale; and number of high school courses completed in the core subject areas is expressed in terms of years or fractions of years of study.

(2) Graduates of approved Iowa high schools who have the subject matter background required by each university and who meet the regent admission index of 245 required for automatic admission will be admitted to any regent university. Applicants who do not meet the regent admission index of 245 for

automatic admission or for whom a regent admission index cannot be calculated may, after an individual review of their academic and test records, and at the discretion of the admissions officers:

1. Be admitted unconditionally,
2. Be admitted conditionally,
3. Be required to enroll for a tryout period during a preceding summer session, or
4. Be denied admission.

**1.1(3)** Graduates of approved high schools in other states may be held to higher academic standards, but must meet at least the same requirements as graduates of Iowa high schools. The options for conditional admission or summer tryout enrollment may not necessarily be offered to these students.

**1.1(4)** Applicants who are graduates of nonapproved high schools will be considered for admission in a manner similar to applicants from approved high schools, but additional emphasis will be given to scores obtained on standardized examinations.

**1.1(5)** Applicants who are not high school graduates, but whose classes have graduated, may be considered for admission. These applicants will be required to submit all academic data to the extent that it exists and achieve scores on standardized examinations which will demonstrate that they are adequately prepared for academic study.

**1.1(6)** Early admission.

*a.* Students with superior academic records may be admitted, on an individual basis, for part-time university study while enrolled in high school or during the summers prior to high school graduation.

*b.* In rare situations, exceptional students may be admitted as full-time students to a regent university before completing high school. Early admission to a regent university is provided to serve persons whose academic achievement and personal and intellectual maturity clearly suggest readiness for collegiate level study. Each university will specify requirements and conditions for early admission.

This rule is intended to implement Iowa Code section 262.9(3).

**681—1.2(262) Admission of undergraduate students by transfer from other colleges.** Students desiring admission to the University of Iowa, Iowa State University, or the University of Northern Iowa must meet the requirements in this rule and also any special requirements for the curriculum, school, or college of their choice.

Applicants must submit a formal application for admission, together with the appropriate application fee as approved by the state board of regents pursuant to Iowa Code subsection 262.9(18) and detailed in rule 681—1.7(262), and request that each college they have attended send an official transcript of record to the admissions office. High school academic records and standardized test results may also be required. The Test of English as a Foreign Language (TOEFL) is required of foreign students whose first language is not English.

**1.2(1)** Transfer applicants with a minimum of 24 semester hours of graded credit from regionally accredited colleges or universities, who have achieved for all college work previously attempted the grade point required by each university for specific programs, will be admitted. Higher academic standards may be required of students who are not residents of Iowa.

Applicants who have not maintained the grade point required by each university for specific programs or who are under academic suspension from the last college attended may, after a review of their academic and test records, and at the discretion of the admissions officers:

- a.* Be admitted unconditionally,
- b.* Be admitted conditionally,
- c.* Be required to enroll for a tryout period during a preceding summer session, or
- d.* Be denied admission.

**1.2(2)** Admission of students with fewer than 24 semester hours of college credit will be based on high school academic and standardized test records in addition to review of the college record.

**1.2(3)** Transfer applicants under disciplinary suspension will not be considered for admission until information concerning the reason for the suspension has been received from the college assigning the suspension. Applicants granted admission under these circumstances will be admitted on probation.



**1.2(4)** Transfer applicants from colleges and universities not regionally accredited will be considered for admission on an individual basis taking into account all available academic information.

This rule is intended to implement Iowa Code section 262.9(3).

**681—1.3(262) Transfer credit practices.** The regent universities endorse the Joint Statement on Transfer and Award of Academic Credit approved in 1978 by the American Council on Education (ACE), the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and the Council on Postsecondary Accreditation (COPA). The current issue of Transfer Credit Practices of Selected Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers (AACRAO), and publications of the Council on Postsecondary Accreditation (COPA) are examples of references used by the universities in determining transfer credit. The acceptance and use of transfer credit is subject to limitations in accordance with the educational policies operative at each university.

**1.3(1)** *Students from regionally accredited colleges and universities.* Credit earned at regionally accredited colleges and universities is acceptable for transfer except that credit in courses determined by the receiving university to be of a remedial, vocational, or technical nature, or credit in courses or programs in which the institution granting the credit is not directly involved, may not be accepted, or may be accepted to a limited extent.

Of the coursework earned at a two-year college, students may apply up to one-half but no more than 65 hours of the credits required for a bachelor's degree toward that degree at a regent university. This policy becomes effective September 29, 1993.

**1.3(2)** *Students from colleges and universities which have candidate status.* Credit earned at colleges and universities which have become candidates for accreditation by a regional association is acceptable for transfer in a manner similar to that from regionally accredited colleges and universities if the credit is applicable to the bachelor's degree at the receiving university.

Credit earned at the junior and senior classification from an accredited two-year college which has received approval by a regional accrediting association for change to a four-year college may be accepted by a regent university.

**1.3(3)** *Students from colleges and universities not regionally accredited.* When students are admitted from colleges and universities not regionally accredited, they may validate portions or all of their transfer credit by satisfactory academic study in residence, or by examination. Each university will specify the amount of the transfer credit and the terms of the validation process at the time of admission.

In determining the acceptability of transfer credit from private colleges in Iowa which do not have regional accreditation, the regent committee on educational relations, upon request from the institutions, evaluates the nature and standards of the academic program, faculty, student records, library, and laboratories.

In determining the acceptability of transfer credit from colleges in states other than Iowa which are not regionally accredited, acceptance practices indicated in the current issue of Transfer Credit Practices of Selected Educational Institutions will be used as a guide. For institutions not listed in the publication, guidance is requested from the designated reporting institution of the appropriate state.

**1.3(4)** *Students from foreign colleges and universities.* Transfer credit from foreign educational institutions may be granted after a determination of the type of institution involved and after an evaluation of the content, level, and comparability of the study to courses and programs at the receiving university. Credit may be granted in specific courses, but is frequently assigned to general areas of study. Extensive use is made of professional journals and references which describe the education systems and programs of individual countries.

This rule is intended to implement Iowa Code section 262.9(3).

**681—1.4(262) Classification of residents and nonresidents for admission, tuition, and fee purposes.**

**1.4(1)** *General.*

*a.* A person enrolling at one of the three state universities shall be classified as a resident or nonresident for admission, tuition, and fee purposes by the registrar or someone designated by the

registrar. The decision shall be based upon information furnished by the student and other relevant information.

*b.* In determining resident or nonresident classification, the issue is essentially one of why the person is in the state of Iowa. If the person is in the state primarily for educational purposes, that person will be considered a nonresident. For example, it may be possible that an individual could qualify as a resident of Iowa for such purposes as voting, or holding an Iowa driver's license, and not meet the residency requirements as established by the board of regents for admission, tuition, and fee purposes.

*c.* The registrar, or designated person, is authorized to require written documents, affidavits, verifications, or other evidence deemed necessary to determine why a student is in Iowa. The burden of establishing that a student is in Iowa for other than educational purposes is upon the student.

A student may be required to file any or all of the following:

- (1) A statement from the student describing employment and expected sources of support;
- (2) A statement from the student's employer;
- (3) A statement from the student's parents verifying nonsupport and the fact that the student was not listed as a dependent on tax returns for the past year and will not be so listed in future years;
- (4) A statement from the student's spouse related to sources of family support, length of residence in Iowa, and reasons for being in the state of Iowa;
- (5) Supporting statements from persons who might be familiar with the family situation;
- (6) Iowa state income tax return.

*d.* Applications for resident classification for a given semester or session are due no later than the fifteenth class day of that semester or session. Applications received after the fifteenth class day of that semester or session will be considered for the next semester or session. Appeals of any nonresident classification decision resulting from applications for resident classifications are due no later than midterm of that semester or session. Change of classification from nonresident to resident will not be made retroactive beyond the term in which application for resident classification is made.

*e.* A student who gives incorrect or misleading information to evade payment of nonresident fees shall be subject to serious disciplinary action and must also pay the nonresident fees for each term previously attended.

*f.* Review committee. These regulations shall be administered by the registrar or someone designated by the registrar. The decision of the registrar or designated person may be appealed to a university review committee. The decision of the review committee may be appealed to the state board of regents.

**1.4(2) Guidelines.**

*a.* The following general guidelines are used in determining the resident classification of a student for admission, tuition, and fee purposes:

(1) A financially dependent student whose parents move from Iowa after the student is enrolled remains a resident provided the student maintains continuous enrollment. A financially dependent student whose parents move from Iowa during the senior year of high school will be considered a resident provided the student has not established domicile in another state.

(2) In deciding why a person is in the state of Iowa, the person's domicile will be considered. A person who comes to Iowa from another state and enrolls in any institution of postsecondary education for a full program or substantially a full program shall be presumed to have come to Iowa primarily for educational reasons rather than to establish a domicile in Iowa.

(3) A student who was a former resident of Iowa may continue to be considered a resident provided absence from the state was for a period of less than 12 months and provided domicile is reestablished. If the absence from the state is for a period exceeding 12 months, a student may be considered a resident if evidence can be presented showing that the student has long-term ties to Iowa and reestablishes an Iowa domicile.

A person or the dependent of a person whose domicile is permanently established in Iowa, who has been classified as a resident for admission, tuition, and fee purposes, may continue to be classified as a resident so long as domicile is maintained, even though circumstances may require extended absence of

the person from the state. It is required that a person who claims Iowa domicile while living in another state or country will provide proof of the continual Iowa domicile as evidence that the person:

1. Has not acquired a domicile in another state,
2. Has maintained a continuous voting record in Iowa, and
3. Has filed regular Iowa resident income tax returns during absence from the state.

(4) A student who moves to Iowa may be eligible for resident classification at the next registration following 12 consecutive months in the state provided the student is not enrolled as more than a half-time student (6 credits for an undergraduate or professional student, 5 credits for a graduate student) in any academic year term, is not enrolled for more than 4 credits in a summer term for any classification, and provides sufficient evidence of the establishment of an Iowa domicile.

(5) A student who has been a continuous student and whose parents move to Iowa may become a resident at the beginning of the next term provided the student is dependent upon the parents for a majority of financial assistance.

(6) A person who has been certified as a refugee or granted asylum by the appropriate agency of the United States who enrolls as a student at a university governed by the Iowa state board of regents may be accorded immediate resident status for admission, tuition, and fee purposes when the person:

1. Comes directly to the state of Iowa from a refugee facility or port of debarkation, or
2. Comes to the state of Iowa within a reasonable time and has not established domicile in another state.

Any refugee or individual granted asylum not meeting these standards will be presumed to be a nonresident for admission, tuition, and fee purposes and thus subject to the usual method of proof of establishment of Iowa residency.

(7) An alien who has immigrant status establishes Iowa residency in the same manner as a United States citizen.

(8) At the regent institutions, American Indians who have origins in any of the original people of North America and who maintain a cultural identification through tribal affiliation or community recognition with one or more of the tribes or nations connected historically with the present state of Iowa, including the Iowa, Kickapoo, Menominee, Miami, Missouri, Ojibwa (Chippewa), Omaha, Otoe, Ottawa (Odawa), Potawatomi, Sac and Fox (Sauk, Meskwaki), Sioux, and Winnebago (Ho Chunk), will be assessed Iowa resident tuition and fees.

*b.* Additional guidelines are used in determining the resident classification of a veteran, qualified military person, and dependent children and spouses of a veteran or qualified military person for purposes of admission and undergraduate tuition and mandatory fees:

(1) A person who is stationed on active duty at the Rock Island arsenal as a result of military orders, or the dependent child or spouse of such person, is entitled to resident status for purposes of undergraduate tuition and mandatory fees. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for the dependent child or spouse until the beginning of the next term in which the dependent child or spouse is enrolled. If the qualified military person is transferred, deployed, or restationed while the person's spouse or dependent child is enrolled in an institution of higher education under the control of the board of regents, the spouse or dependent child shall continue to be classified as a resident under this subparagraph until the close of the fiscal year in which the spouse or dependent child is enrolled.

(2) A veteran who is domiciled or moves to the state of Iowa and who is eligible for benefits, or has exhausted benefits under the federal Post-9/11 Veterans Educational Assistance Act of 2008, is entitled to resident status for purposes of undergraduate tuition and mandatory fees. The dependent child or spouse of a veteran who meets these requirements is entitled to resident status for undergraduate tuition. However, if the arrival of the veteran in Iowa is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases for the dependent child or spouse until the beginning of the next term in which the dependent child or spouse is enrolled.

(3) A person who is moved into the state as the result of military or civil orders from the government for other than educational purposes, or the dependent child or spouse of such a person, is entitled to

resident status. However, if the arrival of the person under orders is subsequent to the beginning of the term in which the dependent child or spouse is first enrolled, nonresident fees will be charged in all cases until the beginning of the next term in which the dependent child or spouse is enrolled. Legislation, effective July 1, 1977, requires that military personnel who claim residency in Iowa (home of record) will be required to file Iowa resident income tax returns.

**1.4(3) Facts.**

a. The following circumstances, although not necessarily conclusive, have probative value in support of a claim for resident classification:

(1) Reside in Iowa for 12 consecutive months, and be primarily engaged in activities other than those of a full-time student, immediately prior to the beginning of the term for which resident classification is sought.

(2) Reliance upon Iowa resources for financial support.

(3) Domicile in Iowa of persons legally responsible for the student.

(4) Former domicile in the state and maintenance of significant connections therein while absent.

(5) Acceptance of an offer of permanent employment in Iowa.

(6) Military orders, if for other than educational purposes.

(7) Other facts indicating the student's domicile will be considered by the universities in classifying the student.

b. The following circumstances, standing alone, do not constitute sufficient evidence of domicile to effect classification of a student as a resident under these regulations:

(1) Voting or registration for voting.

(2) Employment in any position normally filled by a student.

(3) The lease of living quarters.

(4) Admission to a licensed practicing profession in Iowa.

(5) Automobile registration.

(6) Public records, for example, birth and marriage records, Iowa driver's license.

(7) Continuous presence in Iowa during periods when not enrolled in school.

(8) Ownership of property in Iowa, or the payment of Iowa taxes.

This rule is intended to implement Iowa Code section 262.9(3).

[ARC 7911B, IAB 7/1/09, effective 7/1/09]

**681—1.5(262) Registration and transcripts—general.** A person may not be permitted to register for a course or courses at a state board of regents institution until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent have been paid.

A state board of regents institution may withhold official transcripts of the academic record of a person until any delinquent accounts owed by the person to an institution or any affiliated organization for which an institution acts as fiscal agent have been paid.

This rule is intended to implement Iowa Code section 262.9.

**681—1.6(262) College-bound program.**

**1.6(1) Definitions.**

*“Accredited private institution”* means an institution of higher education as defined in Iowa Code section 261.9, subsection 5.

*“Commission”* means the college aid commission.

*“Financial need”* means the difference between the student's financial resources, including resources available from the student's parents and the student, as determined by a completed parents' financial statement and including any non-campus-administered federal or state grants and scholarships, and the student's estimated expenses while attending the institution. A student shall accept all available federal and state grants and scholarships before being considered eligible for grants under the Iowa minority academic grants for economic success program. Financial need shall be reconsidered on at least an annual basis.

*“Full-time student”* means an individual who is enrolled at an accredited private institution or board of regents university for at least 12 semester hours or the trimester or quarter equivalent.

*“Minority person”* means an individual who is black, Hispanic, Asian, or a Pacific Islander, American Indian, or an Alaskan Native American.

*“Part-time student”* means an individual who is enrolled at an accredited private institution or board of regents university in a course of study including at least three semester hours or the trimester or quarter equivalent of three semester hours.

*“Program”* means the Iowa minority academic grants for economic success program established in this division.

**1.6(2) Policy on college-bound program.**

a. The regent institutions will cooperate with other state and local agencies, including the department of education, the college aid commission, and educational institutions in implementing the college-bound program.

b. The universities will develop programs for elementary, middle and secondary school students and their families in the following areas:

- (1) Encouragement to consider attending a postsecondary institution;
- (2) Enrichment and academic preparation;
- (3) Information about how to apply for admission.

c. College-bound program vouchers will be awarded to students on the basis of the participation of the student and the student's family in the college-bound program. One voucher will be awarded for participation in each college-bound program sponsored by a university.

(1) Each university will maintain records concerning those students who participate in the college-bound program, according to its established policies and procedures. The records will include information on those students who have received college-bound program vouchers which are described in Iowa Code section 262.92(2). The University of Iowa will maintain a central record on all students who have received college-bound program vouchers on behalf of all regent institutions and will make appropriate information available to the college aid commission.

(2) College-bound program vouchers may be used by students enrolled at a regent institution or at a private college or university in Iowa.

(3) A student holding vouchers and enrolling at a regent institution will receive priority in the award of funds under the Iowa minority academic grants for economic success (IMAGES) program. Awards under the IMAGES program are made on the basis of financial need. A student may be eligible for an additional award from the institution in which the student is enrolled.

(4) A student holding vouchers and enrolling at a private college or university in Iowa will receive priority in the award of funds under the Iowa minority academic grants for economic success program as provided by the rules of the college aid commission.

(5) The presidents, or their designees, will administer and coordinate the college-bound program at the universities. As part of the coordination, they will establish liaison with the appropriate state and local agencies, serve as the university contact and promote collaborative efforts among the regent universities and other appropriate agencies and institutions. Annual reports to the board of regents shall be prepared by each regent university. The reports shall contain relevant information as to the accomplishments of the program in the past year and a plan of action with goals and objectives for the forthcoming year. Reports shall be submitted to the board of regents on October 1 of each year.

This rule is intended to implement Iowa Code section 262.92.

**681—1.7(262) Application fees.** Application fees required for admission to the University of Iowa, Iowa State University and the University of Northern Iowa are as follows:

## University of Iowa

Undergraduate domestic student and nondegree student	\$40
Undergraduate international student	\$85
Graduate/professional domestic student	\$60
Graduate/professional international student	\$100
PharmD student	\$100
Reentry fee	\$20

## Iowa State University

Undergraduate domestic student and nondegree student	\$40
Undergraduate international student	\$50
Graduate/professional domestic student	\$60
Graduate/professional international student	\$100
Veterinary Medicine	\$75

## University of Northern Iowa

Undergraduate domestic student and nondegree student	\$40
Undergraduate international student	\$50
Graduate/professional domestic student	\$60
Graduate/professional international student	\$75
Reentry fee	\$20

This rule is intended to implement Iowa Code section 262.9(3).

[**ARC 9034B**, IAB 8/25/10, effective 9/29/10; **ARC 9033B**, IAB 8/25/10, effective 9/29/10; **ARC 0037C**, IAB 3/7/12, effective 4/11/12; **ARC 0630C**, IAB 3/6/13, effective 4/10/13; **ARC 1895C**, IAB 3/4/15, effective 4/8/15]

[Filed 12/17/58; amended 1/28/59, 5/26/59, 9/15/59, 10/28/59, 9/30/60, 7/12/67, 6/14/72, 5/16/73, 1/16/75, 6/10/75]

[Filed emergency 3/19/76—published 4/5/76, effective 3/19/76]

[Filed 3/19/76, Notice 2/9/76—published 4/5/76, effective 5/10/76]

[Filed 12/18/80, Notices 10/15/80, 11/12/80—published 1/7/81, effective 2/11/81]

[Filed emergency 2/13/81—published 3/4/81, effective 2/13/81]

[Filed without Notice 8/21/85—published 9/11/85, effective 10/16/85]

[Filed 12/22/86, Notice 11/5/86—published 1/14/87, effective 2/18/87]

[Filed 1/22/88, Notice 11/18/87—published 2/10/88, effective 3/16/88]

[Filed 3/29/88, Notice 2/10/88—published 4/20/88, effective 5/25/88]

[Filed 3/28/90, Notice 11/1/89—published 4/18/90, effective 5/23/90]

[Filed 6/19/91, Notice 5/15/91—published 7/10/91, effective 8/14/91]

[Filed 7/23/93, Notice 6/9/93—published 8/18/93, effective 9/29/93]

[Filed 9/21/95, Notice 8/16/95—published 10/11/95, effective 11/15/95]

[Filed 12/23/97, Notice 11/5/97—published 1/14/98, effective 2/18/98]

[Filed 3/20/98, Notice 2/11/98—published 4/8/98, effective 6/1/98]

[Filed 6/2/04, Notice 3/31/04—published 6/23/04, effective 7/28/04]

[Filed emergency 9/24/04—published 10/13/04, effective 9/24/04]

[Filed 8/11/06, Notice 5/24/06—published 8/30/06, effective 10/4/06]

[Filed 5/3/07, Notice 2/28/07—published 5/23/07, effective 6/27/07]

[Filed 8/8/08, Notice 5/21/08—published 8/27/08, effective 10/1/08]

[Filed Emergency ARC 7911B, IAB 7/1/09, effective 7/1/09]

[Filed ARC 9034B (Notice ARC 8854B, IAB 6/16/10), IAB 8/25/10, effective 9/29/10]

[Filed ARC 9033B (Notice ARC 8807B, IAB 6/2/10), IAB 8/25/10, effective 9/29/10]

[Filed ARC 0037C (Notice ARC 9869B, IAB 11/30/11), IAB 3/7/12, effective 4/11/12]

[Filed ARC 0630C (Notice ARC 0469C, IAB 11/28/12), IAB 3/6/13, effective 4/10/13]

[Filed ARC 1895C (Notice ARC 1743C, IAB 11/26/14), IAB 3/4/15, effective 4/8/15]





# **LABOR SERVICES DIVISION[875]**

[Prior to 11/19/97, see Labor Services Division[347]]

## **CHAPTER 1**

### **DESCRIPTION OF ORGANIZATION AND PROCEDURES BEFORE THE DIVISION**

#### **DIVISION I ADMINISTRATION**

- 1.1(91) Definitions
- 1.2(91) Scope and application
- 1.3(91) Department of workforce development, division of labor services
- 1.4 to 1.10 Reserved

#### **DIVISION II OPEN RECORDS AND FAIR INFORMATION PRACTICES**

- 1.11(22,91) General provisions
- 1.12(22,91) Request for access to records
- 1.13(22,91) Access to confidential records
- 1.14(22,91) Requests for treatment of a record as a confidential record and withholding from examination
- 1.15(22,91) Procedure by which additions, dissents, or objections may be entered into certain records
- 1.16(22,91) Consent to disclosure by the subject of a confidential record
- 1.17(22,91) Disclosure without the consent of the subject
- 1.18(22,91,77GA,ch1105) Availability of records
- 1.19(22,91) Routine uses
- 1.20(22,91) Release to a subject
- 1.21(22,91) Notice to suppliers of information
- 1.22(22,91) Data processing systems comparison
- 1.23(22,91) Personally identifiable information
- 1.24 to 1.30 Reserved

#### **DIVISION III RULE-MAKING PROCEDURES**

- 1.31(17A) Applicability
- 1.32(17A) Advice on possible rules before notice of proposed rule adoption
- 1.33(17A) Public rule-making docket
- 1.34(17A) Notice of proposed rule making
- 1.35(17A) Public participation
- 1.36(17A) Regulatory analysis
- 1.37(17A,25B) Fiscal impact statement
- 1.38(17A) Time and manner of rule adoption
- 1.39(17A) Variance between adopted rule and published notice of proposed rule adoption
- 1.40(17A) Exemptions from public rule-making procedures
- 1.41(17A) Concise statement of reasons
- 1.42(17A,89) Contents, style, and form of rule
- 1.43(17A) Agency rule-making record
- 1.44(17A) Filing of rules
- 1.45(17A) Effectiveness of rules prior to publication
- 1.46(17A) General statements of policy
- 1.47(17A) Review by agency of rules
- 1.48 and 1.49 Reserved

DIVISION IV  
DECLARATORY ORDERS

1.50(17A)	Petition for declaratory order
1.51(17A)	Notice of petition
1.52(17A)	Intervention
1.53(17A)	Briefs
1.54(17A)	Inquiries
1.55(17A)	Service and filing of petitions and other papers
1.56(17A)	Consideration
1.57(17A)	Action on petition
1.58(17A)	Refusal to issue order
1.59(17A)	Contents of declaratory order—effective date
1.60(17A)	Copies of orders
1.61(17A)	Effect of a declaratory order
1.62 to 1.64	Reserved

DIVISION V  
CONTESTED CASES

1.65(17A)	Scope and applicability
1.66(17A)	Definitions
1.67(17A)	Time requirements
1.68(17A)	Requests for contested case proceeding
1.69(17A)	Notice of hearing
1.70(17A)	Presiding officer
1.71(17A)	Waiver of procedures
1.72(17A)	Disqualification
1.73(17A)	Consolidation—severance
1.74(17A)	Answer
1.75(17A)	Pleadings, service and filing
1.76(17A)	Discovery
1.77(17A)	Subpoenas
1.78(17A)	Motions
1.79(17A)	Prehearing conference
1.80(17A)	Continuances
1.81(17A)	Withdrawals
1.82(17A)	Intervention
1.83(17A)	Hearing procedures
1.84(17A)	Evidence
1.85(17A)	Default
1.86(17A)	Ex parte communication
1.87(17A)	Recording costs
1.88(17A)	Interlocutory appeals
1.89(17A)	Final decision—nonlicense decision
1.90(17A)	Final decision—license decision
1.91(17A)	Appeals and review
1.92(17A)	Applications for rehearing
1.93(17A)	Stays of agency actions
1.94(17A)	No factual dispute contested cases
1.95(17A)	Emergency adjudicative proceedings
1.96 to 1.98	Reserved

DIVISION VI  
INTEREST, FEES AND CHARGES

- 1.99(17A,91) Interest
- 1.100 Reserved

DIVISION VII  
WAIVERS AND VARIANCES FROM ADMINISTRATIVE RULES

- 1.101(17A,91) Scope
- 1.102(17A,91) Petitions
- 1.103(17A,91) Notice and acknowledgment
- 1.104(17A,91) Review
- 1.105(17A,91) Ruling
- 1.106(17A,91) Public availability
- 1.107(17A,91) Cancellation
- 1.108(17A,91) Violations
- 1.109(17A,91) Appeals

*IOWA OCCUPATIONAL  
SAFETY AND HEALTH*

CHAPTER 2  
IOSH ENFORCEMENT, IOSH RESEARCH AND STATISTICS,  
IOSH CONSULTATION AND EDUCATION

- 2.1(88) Scope and application
- 2.2(88) IOSH enforcement
- 2.3(88) IOSH research and statistics
- 2.4(88) IOSH private sector consultative services
- 2.5(88) IOSH public sector consultative services
- 2.6(88) IOSH education

CHAPTER 3  
INSPECTIONS, CITATIONS AND PROPOSED PENALTIES

- 3.1(88) Posting of notice; availability of the Act, regulations and applicable standards
- 3.2(88) Objection to inspection
- 3.3(88) Entry not a waiver
- 3.4(88) Advance notice of inspections
- 3.5(88) Conduct of inspections
- 3.6(88) Representatives of employers and employees
- 3.7(88) Complaints by employees
- 3.8(88) Trade or governmental secrets
- 3.9(88) Imminent danger
- 3.10(88) Consultation with employees
- 3.11(88) Citations
- 3.12(88) Informal conferences
- 3.13(88) Petitions for modification of abatement date
- 3.14 to 3.18 Reserved
- 3.19(88) Abatement verification
- 3.20(88) Policy regarding employee rescue activities
- 3.21 Reserved
- 3.22(88,89B) Additional hazard communication training requirements
- 3.23(88) Definitions
- 3.24(88) Occupational safety and health bureau forms

## CHAPTER 4

## RECORDING AND REPORTING OCCUPATIONAL INJURIES AND ILLNESSES

- 4.1(88) Purpose and scope
- 4.2(88) First reports of injury
- 4.3(88) Recording and reporting regulations

## CHAPTER 5

RULES OF PRACTICE FOR VARIANCES, LIMITATIONS, VARIATIONS,  
TOLERANCES AND EXEMPTIONS

- 5.1(88) Purpose and scope
- 5.2(88) Definitions
- 5.3 Reserved
- 5.4(88) Effect of variances
- 5.5(88) Notice of a granted variance
- 5.6(88) Form of documents; subscription; copies
- 5.7(88) Temporary variance
- 5.8(88) Permanent variance
- 5.9(88) Special variance
- 5.10(88) Modification and revocation of rules or orders
- 5.11(88) Action on applications
- 5.12(88) Requests for hearings on applications
- 5.13(88) Consolidation of proceedings
- 5.14(88) Notice of hearing
- 5.15(88) Manner of service
- 5.16(88) Hearing examiner; powers and duties
- 5.17(88) Prehearing conferences
- 5.18(88) Consent findings and rules or orders
- 5.19(88) Discovery
- 5.20(88) Hearings
- 5.21(88) Decisions of hearing examiner
- 5.22(88) Motion for summary decision
- 5.23(88) Summary decision
- 5.24(88) Finality for purposes of judicial review

## CHAPTERS 6 and 7

Reserved

## CHAPTER 8

## CONSULTATIVE SERVICES

- 8.1(88) Purpose and scope
- 8.2(88) Definitions
- 8.3(88) Requesting and scheduling of on-site consultation visit
- 8.4 and 8.5 Reserved
- 8.6(88) Conducting a visit
- 8.7(88) Relationship to enforcement

## CHAPTER 9

## DISCRIMINATION AGAINST EMPLOYEES

- 9.1(88) Introductory statement
- 9.2(88) Purpose of this chapter
- 9.3(88) General requirements of Iowa Code section 88.9(3)
- 9.4(88) Persons prohibited from discriminating
- 9.5(88) Persons protected by Iowa Code section 88.9(3)

9.6(88)	Unprotected activities distinguished
9.7 and 9.8	Reserved
9.9(88)	Complaints under or related to the Act
9.10(88)	Proceedings under or related to the Act
9.11(88)	Testimony
9.12(88)	Exercise of any right afforded by the Act
9.13 and 9.14	Reserved
9.15(88)	Filing of complaint for discrimination
9.16(88)	Notice of determination
9.17(88)	Withdrawal of complaint
9.18(88)	Arbitration or other agency proceedings
9.19 and 9.20	Reserved
9.21(88)	Walkaround pay disputes
9.22(88)	Employee refusal to comply with safety rules

#### CHAPTER 10

##### GENERAL INDUSTRY SAFETY AND HEALTH RULES

10.1(88)	Definitions
10.2(88)	Applicability of standards
10.3(88)	Incorporation by reference
10.4(88)	Exception for hexavalent chromium exposure in metal and surface finishing job shops
10.5 and 10.6	Reserved
10.7(88)	Definitions and requirements for a nationally recognized testing laboratory
10.8 to 10.11	Reserved
10.12(88)	Construction work
10.13 to 10.18	Reserved
10.19(88)	Special provisions for air contaminants
10.20(88)	Adoption by reference

#### CHAPTERS 11 to 25

Reserved

#### CHAPTER 26

##### CONSTRUCTION SAFETY AND HEALTH RULES

26.1(88)	Adoption by reference
----------	-----------------------

#### CHAPTER 27

Reserved

#### CHAPTER 28

##### OCCUPATIONAL SAFETY AND HEALTH STANDARDS FOR AGRICULTURE

28.1(88)	Adoption by reference
----------	-----------------------

#### CHAPTER 29

##### SANITATION AND SHELTER RULES FOR RAILROAD EMPLOYEES

29.1(88)	Definitions
29.2(88)	Water supply
29.3(88)	Toilets
29.4(88)	Eating places and lunchrooms
29.5(88)	Sleeping accommodations
29.6(88)	Cleanliness and maintenance
29.7(88)	Conflicts resolved

## CHAPTER 30

Reserved

*CHILD LABOR*

## CHAPTER 31

Reserved

## CHAPTER 32

## CHILD LABOR

32.1(92)	Definitions
32.2(92)	Permits and certificates of age
32.3 and 32.4	Reserved
32.5(92)	Other work
32.6	Reserved
32.7(92)	Workweek
32.8(92)	Terms
32.9 and 32.10	Reserved
32.11(92)	Civil penalty calculation
32.12(92)	Civil penalty procedures
32.13 to 32.16	Reserved
32.17(92)	Definitions

## CHAPTER 33

Reserved

## CHAPTER 34

## CIVIL PENALTIES

34.1(91A)	Civil penalties for Iowa Code chapter 91A violations
34.2(91A)	Investigation
34.3(91A)	Calculation of penalty
34.4(91A)	Settlement opportunity
34.5(91A)	Notice of penalty assessment; contested case proceedings
34.6(91A)	Judicial review

## CHAPTER 35

## WAGE PAYMENT COLLECTION

35.1(91A)	Definitions
35.2(91A)	Right of private action
35.3(91A)	Filing a claim
35.4(91A)	Investigation
35.5(91A)	Legal action on wage claims

## CHAPTER 36

## DISCRIMINATION AGAINST EMPLOYEES

36.1(91A)	Definitions
36.2(91A)	Employee rights
36.3(91A)	Purposes
36.4(91A)	General requirements
36.5(91A)	Unprotected activities distinguished
36.6(91A)	Complaint under or related to the Act
36.7(91A)	Proceedings under or related to the Act
36.8(91A)	Filing of complaint for discrimination or discharge
36.9(91A)	Withdrawal of complaints

- 36.10(91A) Arbitration or other agency proceedings
- 36.11(91A) Decision of the commissioner

## CHAPTER 37

Reserved

## CHAPTER 38

## EMPLOYMENT AGENCY LICENSING

- 38.1(94A) Definitions
- 38.2(94A) Application and license
- 38.3(94A) Non-employment agency activity
- 38.4(94A) Complaints
- 38.5(17A,94A,252J) Denials, revocations, reprimands and suspensions
- 38.6(94A) Permissible fees charged by agency
- 38.7 Reserved
- 38.8(94A) Contracts and fee schedules

## CHAPTERS 39 to 50

Reserved

*RAILROADS*

## CHAPTERS 51 to 60

Reserved

*AMUSEMENT PARKS AND RIDES*

## CHAPTER 61

## ADMINISTRATION OF IOWA CODE CHAPTER 88A

- 61.1(88A) Purpose, scope and definitions
- 61.2(88A) Administration
- 61.3(88A) Exemptions

## CHAPTER 62

SAFETY RULES FOR AMUSEMENT RIDES, AMUSEMENT DEVICES, AND  
CONCESSION BOOTHS

- 62.1(88A) Purpose, scope and definitions
- 62.2(88A) Design criteria
- 62.3(88A) Concession booth requirements
- 62.4(88A) Walking surfaces, access and egress
- 62.5 and 62.6 Reserved
- 62.7(88A) Signal systems
- 62.8(88A) Hazardous materials
- 62.9 Reserved
- 62.10(88A) General environment
- 62.11(88A) Medical and first aid
- 62.12(88A) Fire protection
- 62.13(88A) Compressed gas and air equipment
- 62.14 Reserved
- 62.15(88A) Machinery and machine guarding
- 62.16 Reserved
- 62.17(88A) Welding, cutting and brazing
- 62.18(88A) Operations
- 62.19(88A) Electrical

## CHAPTERS 63 and 64

## Reserved

*ELEVATORS, ESCALATORS, AND RELATED EQUIPMENT*

## CHAPTER 65

## ELEVATOR SAFETY BOARD ADMINISTRATIVE AND REGULATORY AUTHORITY

- 65.1(89A) Definitions
- 65.2(89A) Purpose and authority of board
- 65.3(21,89A) Organization of board
- 65.4(21,89A) Public meetings
- 65.5(89A) Official communications

## CHAPTER 66

WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES  
BY THE ELEVATOR SAFETY BOARD

- 66.1(17A,89A) Waivers of rules
- 66.2(17A,89A) Applicability of rule
- 66.3(17A,89A) Criteria for waiver or variance
- 66.4(17A,89A) Filing of petition
- 66.5(17A,89A) Content of petition
- 66.6(17A,89A) Additional information
- 66.7(17A,89A) Notice
- 66.8(17A,89A) Board review procedures
- 66.9(17A,89A) Hearing procedures
- 66.10(17A,89A) Ruling
- 66.11(17A,89A) Public availability
- 66.12(17A,89A) Summary reports
- 66.13(17A,89A) Cancellation of a waiver
- 66.14(17A,89A) Violations
- 66.15(17A,89A) Defense
- 66.16(17A,89A) Judicial review

## CHAPTER 67

## ELEVATOR SAFETY BOARD PETITIONS FOR RULE MAKING

- 67.1(17A,89A) Petitions for rule making
- 67.2(17A,89A) Briefs
- 67.3(17A,89A) Inquiries
- 67.4(17A,89A) Board review procedures

## CHAPTER 68

## DECLARATORY ORDERS BY THE ELEVATOR SAFETY BOARD

- 68.1(17A,89A) Petition for declaratory order
- 68.2(17A,89A) Notice of petition
- 68.3(17A,89A) Intervention
- 68.4(17A,89A) Briefs
- 68.5(17A,89A) Inquiries
- 68.6(17A,89A) Service and filing of petitions and other papers
- 68.7(17A,89A) Board review procedures
- 68.8 Reserved
- 68.9(17A,89A) Refusal to issue order
- 68.10(17A,89A) Contents of declaratory order—effective date
- 68.11(17A,89A) Copies of orders
- 68.12(17A,89A) Effect of a declaratory order



CHAPTER 69  
CONTESTED CASES BEFORE THE ELEVATOR SAFETY BOARD

69.1(17A,89A)	Reconsideration of inspection report
69.2(17A,89A)	Appeal to the board
69.3(17A,89A)	Informal review
69.4(17A,89A)	Delivery of notice
69.5(17A,89A)	Contents of notice
69.6	Reserved
69.7(17A,89A)	File transmitted to the board
69.8(17A,89A)	Legal representation
69.9(17A,89A)	Presiding officer
69.10(17A,89A)	Service and filing
69.11(17A,89A)	Time requirements
69.12(17A,89A)	Waiver of procedures
69.13(17A,89A)	Telephone and electronic proceedings
69.14(17A,89A)	Disqualification
69.15(17A,89A)	Consolidation and severance
69.16(17A,89A)	Discovery
69.17(17A,89A)	Subpoenas in a contested case
69.18(17A,89A)	Motions
69.19(17A,89A)	Settlements
69.20(17A,89A)	Prehearing conference
69.21(17A,89A)	Continuances
69.22(17A,89A)	Withdrawals
69.23(17A,89A)	Hearing procedures
69.24(17A,89A)	Evidence
69.25(17A,89A)	Ex parte communication
69.26(17A,89A)	Interlocutory appeals
69.27(17A,89A)	Decisions
69.28(17A,89A)	Contested cases with no factual disputes
69.29(17A,89A)	Applications for rehearing
69.30(17A,89A)	Stays of board actions
69.31(17A,89A)	Judicial review

CHAPTER 70  
PUBLIC RECORDS AND FAIR INFORMATION PRACTICES  
OF THE ELEVATOR SAFETY BOARD

70.1(22,89A)	Definitions
70.2(22,89A)	Statement of policy
70.3(22,89A)	Requests for access to records
70.4(22,89A)	Access to confidential records
70.5(22,89A)	Requests for treatment of a record as a confidential record and its withholding from examination
70.6(22,89A)	Procedure by which additions, dissents, or objections may be entered into certain records
70.7(22,89A)	Consent to disclosure by the subject of a confidential record
70.8(22,89A)	Disclosures without the consent of the subject
70.9(17A,89A)	Routine use
70.10(22,89A)	Consensual disclosure of confidential records
70.11(22,89A)	Release to subject
70.12(21,22,89A)	Availability of records
70.13(22,89A)	Applicability

- 70.14(17A,22,89A) Personally identifiable information
- 70.15(17A,21,22,89A) Other groups of records
- 70.16(22,89A) Data processing system
- 70.17(22,89A) Notice to suppliers of information

## CHAPTER 71

### ADMINISTRATION OF THE CONVEYANCE SAFETY PROGRAM

- 71.1(89A) Definitions
- 71.2(89A) Registration of conveyances
- 71.3(89A) State identification number
- 71.4(89A) Responsibility for obtaining permits
- 71.5(89A) Installation permits
- 71.6(89A) Construction permits
- 71.7(89A) Operating permits
- 71.8(89A) Controller upgrade permits
- 71.9(89A) Alteration permits
- 71.10(89A) Alterations
- 71.11(89A) Inspections
- 71.12(89A,252J,261,272D) Special inspector commissions
- 71.13(89A) State employees
- 71.14(89A) Safety tests
- 71.15(89A) Authorized companies
- 71.16(89A) Fees
- 71.17(89A) Publications available for review
- 71.18(89A) Other regulations affecting elevators
- 71.19(89A) Accidents
- 71.20(89A) Temporary removal from service

## CHAPTER 72

### CONVEYANCES INSTALLED ON OR AFTER JANUARY 1, 1975

- 72.1(89A) Purpose and scope
- 72.2(89A) Definitions
- 72.3(89A) Accommodating the physically disabled
- 72.4(89A) Electric elevators
- 72.5(89A) Hydraulic elevators
- 72.6(89A) Power sidewalk elevators
- 72.7(89A) Performance-based safety code
- 72.8(89A) Hand and power dumbwaiters
- 72.9(89A) Escalators and moving walks
- 72.10(89A) General requirements
- 72.11 Reserved
- 72.12(89A) Wind tower lifts
- 72.13(89A) Alterations, repairs, replacements and maintenance
- 72.14 Reserved
- 72.15(89A) Power-operated special purpose elevators
- 72.16(89A) Inclined and vertical wheelchair lifts
- 72.17(89A) Hand-powered elevators
- 72.18(89A) Accommodating the physically disabled
- 72.19(89A) Limited-use/limited-application elevators
- 72.20(89A) Rack and pinion, screw-column elevators
- 72.21(89A) Inclined elevators
- 72.22(89A) Material lift elevators

- 72.23(89A) Elevators used for construction
- 72.24(89A) Construction personnel hoists
- 72.25(89A) Alarm bell

#### CHAPTER 73

##### CONVEYANCES INSTALLED PRIOR TO JANUARY 1, 1975

- 73.1(89A) Scope, definitions, and schedule
- 73.2(89A) Hoistways
- 73.3(89A) Car enclosure: Passenger
- 73.4(89A) Car enclosure: Freight
- 73.5(89A) Brakes
- 73.6(89A) Machines
- 73.7(89A) Electrical protective devices
- 73.8(89A) Maintenance, repairs and alterations
- 73.9(89A) Machine rooms
- 73.10(89A) Pits
- 73.11(89A) Counterweights
- 73.12(89A) Car platforms and car slings
- 73.13(89A) Means of suspension
- 73.14(89A) Car safeties and speed governors
- 73.15(89A) Guide rails
- 73.16(89A) Existing hydraulic elevators
- 73.17(89A) Existing sidewalk elevators
- 73.18(89A) Existing hand elevators
- 73.19(89A) Power-operated special purpose elevators
- 73.20(89A) Inclined and vertical wheelchair lifts
- 73.21(89A) Handicapped restricted use elevators
- 73.22(89A) Escalators
- 73.23 Reserved
- 73.24(89A) Dumbwaiters

#### CHAPTERS 74 to 79

Reserved

#### *BOILERS AND PRESSURE VESSELS*

#### CHAPTER 80

##### BOILER AND PRESSURE VESSEL BOARD

##### ADMINISTRATIVE AND REGULATORY AUTHORITY

- 80.1(89) Definitions
- 80.2(89) Purpose and authority of board
- 80.3(89) Organization of board
- 80.4(21,89) Public meetings
- 80.5(89) Official communications

#### CHAPTER 81

##### WAIVERS OR VARIANCES FROM ADMINISTRATIVE RULES BY THE BOILER AND PRESSURE VESSEL BOARD

- 81.1(17A,89) Waivers of rules
- 81.2(17A,89) Applicability of rule
- 81.3(17A,89) Criteria for waiver or variance
- 81.4(17A,89) Filing of petition
- 81.5(17A,89) Content of petition
- 81.6(17A,89) Additional information

81.7(17A,89)	Notice
81.8(17A,89)	Board review procedures
81.9(17A,89)	Hearing procedures
81.10(17A,89)	Ruling
81.11(17A,89)	Public availability
81.12(17A,89)	Summary reports
81.13(17A,89)	Cancellation of a waiver
81.14(17A,89)	Violations
81.15(17A,89)	Defense
81.16(17A,89)	Judicial review

## CHAPTER 82

### BOILER AND PRESSURE VESSEL BOARD PETITIONS FOR RULE MAKING

82.1(17A,89)	Petitions for rule making
82.2(17A,89)	Briefs
82.3(17A,89)	Inquiries
82.4(17A,89)	Board review procedures

## CHAPTER 83

### DECLARATORY ORDERS BY THE BOILER AND PRESSURE VESSEL BOARD

83.1(17A,89)	Petition for declaratory order
83.2(17A,89)	Notice of petition
83.3(17A,89)	Intervention
83.4(17A,89)	Briefs
83.5(17A,89)	Inquiries
83.6(17A,89)	Service and filing of petitions and other papers
83.7(17A,89)	Board review procedures
83.8	Reserved
83.9(17A,89)	Refusal to issue order
83.10(17A,89)	Contents of declaratory order—effective date
83.11(17A,89)	Copies of orders
83.12(17A,89)	Effect of a declaratory order

## CHAPTER 84

### CONTESTED CASES BEFORE THE BOILER AND PRESSURE VESSEL BOARD

84.1(17A,89)	Reconsideration of inspection report
84.2(17A,89)	Appeal to the board
84.3(17A,89)	Informal review
84.4(17A,89)	Delivery of notice
84.5(17A,89)	Contents of notice
84.6(17A,89)	Scope of issues
84.7(17A,89)	File transmitted to the board
84.8(17A,89)	Legal representation
84.9(17A,89)	Presiding officer
84.10(17A,89)	Service and filing
84.11(17A,89)	Time requirements
84.12(17A,89)	Waiver of procedures
84.13(17A,89)	Telephone and electronic proceedings
84.14(17A,89)	Disqualification
84.15(17A,89)	Consolidation and severance
84.16(17A,89)	Discovery
84.17(17A,89)	Subpoenas in a contested case
84.18(17A,89)	Motions

84.19(17A,89)	Settlements
84.20(17A,89)	Prehearing conference
84.21(17A,89)	Continuances
84.22(17A,89)	Withdrawals
84.23(17A,89)	Hearing procedures
84.24(17A,89)	Evidence
84.25(17A,89)	Ex parte communication
84.26(17A,89)	Interlocutory appeals
84.27(17A,89)	Decisions
84.28(17A,89)	Contested cases with no factual disputes
84.29(17A,89)	Applications for rehearing
84.30(17A,89)	Stays of board actions
84.31(17A,89)	Judicial review

#### CHAPTER 85

#### PUBLIC RECORDS AND FAIR INFORMATION PRACTICES OF THE BOILER AND PRESSURE VESSEL BOARD

85.1(22,89)	Definitions
85.2(22,89)	Statement of policy
85.3(22,89)	Requests for access to records
85.4(22,89)	Access to confidential records
85.5(22,89)	Requests for treatment of a record as a confidential record and its withholding from examination
85.6(22,89)	Procedure by which additions, dissents, or objections may be entered into certain records
85.7(22,89)	Consent to disclosure by the subject of a confidential record
85.8(22,89)	Disclosures without the consent of the subject
85.9(17A,89)	Routine use
85.10(22,89)	Consensual disclosure of confidential records
85.11(22,89)	Release to subject
85.12(21,22,89)	Availability of records
85.13(22,89)	Applicability
85.14(17A,22,89)	Personally identifiable information
85.15(17A,22,89)	Other groups of records
85.16(22,89)	Data processing system
85.17(22,89)	Notice to suppliers of information

#### CHAPTERS 86 to 89

#### Reserved

#### CHAPTER 90

#### ADMINISTRATION OF THE BOILER AND PRESSURE VESSEL PROGRAM

90.1(89)	Purpose and scope
90.2(89,261,252J,272D)	Definitions
90.3(89)	Iowa identification numbers
90.4	Reserved
90.5(89)	Preinspection owner or user preparation
90.6(89)	Inspections
90.7(89)	Fees
90.8(89)	Certificate
90.9(89,252J,261)	Special inspector commissions
90.10(89)	Quality reviews, surveys and audits
90.11(89)	Notification of explosion

90.12(89)	Publications available for review
90.13(89)	Notice prior to installation
90.14(89)	Temporary boilers
90.15(89)	Conversion of a power boiler to a low-pressure boiler

## CHAPTER 91

### GENERAL REQUIREMENTS FOR ALL OBJECTS

91.1(89)	Codes and code cases adopted by reference
91.2(89)	Safety appliance
91.3(89)	Pressure-reducing valves
91.4(89)	Blowoff equipment
91.5(89)	Location of discharge piping outlets
91.6(89)	Pipe, valve, and fitting requirements
91.7 to 91.9	Reserved
91.10(89)	Clearance
91.11(89)	Fall protection
91.12(89)	Exit from rooms containing objects
91.13(89)	Air and ventilation
91.14(89)	Condensate return tank
91.15(89)	Conditions not covered
91.16	Reserved
91.17(89)	English language and U.S. customary units required
91.18(89)	National Board registration
91.19(89)	ASME stamp
91.20(89)	CSD-1 Report

## CHAPTER 92

### POWER BOILERS

92.1(89)	Scope
92.2(89)	Codes adopted by reference
92.3	Reserved
92.4(89)	Maximum allowable working pressure for steel boilers
92.5(89)	Maximum allowable working pressure and temperature for cast iron headers and mud drums
92.6(89)	Rivets
92.7(89)	Safety valves
92.8(89)	Boiler feeding
92.9(89)	Water level indicators
92.10(89)	Pressure gages
92.11(89)	Steam stop valves
92.12(89)	Blowoff connection

## CHAPTER 93

### MINIATURE POWER BOILERS INSTALLED PRIOR TO SEPTEMBER 20, 2006

93.1(89)	Scope
93.2(89)	Codes adopted by reference
93.3(89)	Maximum working pressure
93.4(89)	Safety valves
93.5(89)	Steam stop valves
93.6(89)	Water gages
93.7(89)	Feedwater supply
93.8(89)	Blowoff

- 93.9(89) Washout openings
- 93.10(89) Fixtures and fittings

CHAPTER 94  
STEAM HEATING BOILERS, HOT WATER HEATING BOILERS AND  
HOT WATER SUPPLY BOILERS

- 94.1(89) Scope
- 94.2(89) Codes adopted by reference
- 94.3(89) General requirements
- 94.4(89) Steam heating boilers installed before July 1, 1960
- 94.5(89) Hot water heating boilers installed before July 1, 1960
- 94.6(89) Hot water supply boilers installed before July 1, 1960

CHAPTER 95  
WATER HEATERS

- 95.1(89) Scope
- 95.2(89) Recognized standard
- 95.3(89) Installation
- 95.4(89) Temperature and pressure relief valves
- 95.5(89) Shutoff valves prohibited
- 95.6 Reserved
- 95.7(89) Stop valves
- 95.8(89) Carbonization
- 95.9(89) Leaks
- 95.10(89) Flues
- 95.11(89) Tanks
- 95.12(89) Galvanized pipes, valves, and fittings

CHAPTER 96  
UNFIRED STEAM PRESSURE VESSELS

- 96.1(89) Codes adopted by reference
- 96.2(89) Objects installed prior to July 1, 1983

CHAPTERS 97 to 109  
Reserved

*RIGHT TO KNOW*

CHAPTER 110  
HAZARDOUS CHEMICAL RISKS RIGHT TO KNOW—  
GENERAL PROVISIONS

- 110.1(88,89B) Purpose, scope and application
- 110.2(88,89B) Definitions
- 110.3(88,89B) Hazard determination
- 110.4(88,89B) Labels and other forms of warning
- 110.5(88,89B) Material safety data sheets
- 110.6(88,89B) Trade secrets

CHAPTERS 111 to 129  
Reserved

CHAPTER 130  
COMMUNITY RIGHT TO KNOW

- 130.1(89B) Employer's duty
- 130.2(89B) Records accessibility

130.3(89B)	Application for exemption
130.4(89B)	Burden of proof and criteria
130.5(89B)	Formal ruling
130.6(89B)	Request for information
130.7(89B)	Filing with division
130.8(89B)	Grounds for complaint against the employer
130.9(89B)	Investigation or inspection upon complaint
130.10(89B)	Order to comply
130.11(30,89B)	Relationship to Emergency Planning and Community Right-to-know Act
130.12(30,89B)	Information to county libraries

## CHAPTERS 131 to 139

Reserved

## CHAPTER 140

## PUBLIC SAFETY/EMERGENCY RESPONSE RIGHT TO KNOW

140.1(89B)	Signs required and adoption by reference
140.2(89B)	Employer variance applications
140.3(89B)	Agreement between an employer and fire department
140.4(89B)	Significant amounts
140.5(89B)	Information submitted to local fire department
140.6(89B)	Recommended communications
140.7(89B)	Procedure for noncompliance
140.8(89B)	Notice of noncompliance
140.9(30,89B)	Relationship to Emergency Planning and Community Right-to-know Act

## CHAPTERS 141 to 149

Reserved

*CONSTRUCTION—REGISTRATION AND BONDING*

## CHAPTER 150

## CONSTRUCTION CONTRACTOR REGISTRATION

150.1(91C)	Scope
150.2(91C)	Definitions
150.3(91C)	Registration required
150.4(91C)	Application
150.5(91C)	Amendments to application
150.6(91C)	Fee
150.7(91C)	Registration number issuance
150.8(91C)	Workers' compensation insurance cancellation notifications
150.9(91C)	Investigations and complaints
150.10(91C)	Citations/penalties and appeal hearings
150.11(91C)	Revocation of registrations and appeal hearings
150.12(91C)	Concurrent actions
150.13 to 150.15	Reserved
150.16(91C)	Bond release

## CHAPTERS 151 to 154

Reserved



CHAPTER 155  
ASBESTOS REMOVAL AND ENCAPSULATION

- 155.1(88B) Definitions
- 155.2(88B) Permit application procedures
- 155.3(88B) Other asbestos regulations
- 155.4(88B) Asbestos project records
- 155.5(88B) Ten-day notices
- 155.6(88B) License application procedures
- 155.7(88B) Duplicate permits and licenses
- 155.8(17A,88B,252J,261) Denial, suspension and revocation
- 155.9(17A,88B) Contested cases

CHAPTER 156  
BIDDER PREFERENCES IN GOVERNMENT CONTRACTING

- 156.1(73A) Purpose, scope and definitions
- 156.2(73A) Reporting of resident status of bidders
- 156.3(73A) Application of preference
- 156.4(73A) Complaints regarding alleged violations of the Act
- 156.5(73A) Nonresident bidder record-keeping requirements
- 156.6(73A) Investigations; determination of civil penalty
- 156.7(73A) Remedies
- 156.8(73A) Compliance with federal law
- 156.9(73A) Severability

CHAPTERS 157 to 159  
Reserved

CHAPTER 160  
EMPLOYER REQUIREMENTS RELATING TO  
NON-ENGLISH SPEAKING EMPLOYEES

- 160.1(91E) Purpose and scope
- 160.2(91E) Definitions
- 160.3(91E) Comprehension of employment
- 160.4(91E) Interpreters
- 160.5(91E) Community services referral agent
- 160.6(91E) Active recruitment of non-English speaking employees
- 160.7(91E) Employee's return to location of recruitment
- 160.8(91E) Inspections and investigations
- 160.9(91E) Exemptions
- 160.10(91E) Enforcement and penalties

CHAPTERS 161 to 168  
Reserved

*ATHLETICS COMMISSIONER*

CHAPTER 169  
GENERAL REQUIREMENTS FOR ATHLETIC EVENTS

- 169.1(90A) Scope and application
- 169.2(90A) Prohibited events
- 169.3(90A) Advance notice of event
- 169.4(90A) Event license
- 169.5(90A) Promoter responsibilities
- 169.6(90A) Taxes

CHAPTER 170  
OPERATIONS OF ADVISORY BOARD

170.1(90A)	Scope
170.2(90A)	Membership
170.3(90A)	Time of meetings
170.4(90A)	Notification of meetings
170.5(90A)	Attendance and participation by the public
170.6(90A)	Quorum and voting requirements
170.7(90A)	Minutes, transcripts and recording of meetings

CHAPTER 171  
GRANT APPLICATIONS AND AWARDS

171.1(90A)	Scope
171.2(90A)	Application process
171.3(90A)	Grant process
171.4(90A)	Evaluation
171.5(90A)	Termination
171.6(90A)	Financial management
171.7(90A)	Adjustments and collections

CHAPTER 172  
PROFESSIONAL WRESTLING

172.1(90A)	Limitation of bouts
172.2(90A)	Fall
172.3(90A)	Out-of-bounds
172.4(90A)	Disqualification
172.5(90A)	Failure to break hold
172.6(90A)	Prohibition against hanging on
172.7(90A)	Abusing referee
172.8(90A)	Prohibited materials in ring
172.9	Reserved
172.10(90A)	Time between falls
172.11(90A)	Contestants' arrival
172.12	Reserved
172.13(90A)	Separation of boxing and wrestling
172.14	Reserved
172.15(90A)	Health of wrestler
172.16(90A)	Wrestling outside of ring
172.17(90A)	Advertising

CHAPTER 173  
PROFESSIONAL BOXING

173.1(90A)	Limitation of rounds
173.2(90A)	Weight restrictions
173.3	Reserved
173.4(90A)	Injury
173.5(90A)	Knockdown
173.6(90A)	Limitation on number of bouts
173.7(90A)	Contestants' arrival
173.8(90A)	Persons allowed in the ring
173.9(90A)	Protection of hands
173.10(90A)	Scoring
173.11(90A)	Gloves

173.12(90A)	Proper attire
173.13(90A)	Use of substances
173.14(90A)	“Down”
173.15(90A)	Foul
173.16(90A)	Penalties
173.17(90A)	Weight classes
173.18(90A)	Attendance of commissioner
173.19(90A)	Weighing of contestants
173.20	Reserved
173.21(90A)	General requirements
173.22	Reserved
173.23(90A)	Excessive coaching
173.24(90A)	Abusive language
173.25 and 173.26	Reserved
173.27(90A)	Ring requirements
173.28(90A)	Ring posts
173.29(90A)	Ropes
173.30(90A)	Ring floor
173.31(90A)	Bell
173.32(90A)	Gloves
173.33(90A)	Referee’s duties
173.34(90A)	Chief second
173.35(90A)	Naming referee
173.36(90A)	Reasons for stopping bout
173.37(90A)	Forfeit of purse
173.38	Reserved
173.39(90A)	Shaking hands
173.40(90A)	Assessing fouls
173.41(90A)	Delaying prohibited
173.42(90A)	Count
173.43(90A)	Intentional foul
173.44(90A)	Use of the ropes
173.45(90A)	Attending ring physician
173.46(90A)	Technical knockout
173.47(90A)	Timekeeper
173.48(90A)	Seconds
173.49(90A)	Requirements for seconds
173.50(90A)	Use of water
173.51(90A)	Stopping the fight
173.52(90A)	Removing objects from ring
173.53(90A)	Decision
173.54	Reserved
173.55(90A)	Boxer registration

#### CHAPTER 174 ELIMINATION TOURNAMENTS

174.1(90A)	Purpose and scope
174.2(90A)	Bouts, rounds and rest periods
174.3(90A)	Protective equipment
174.4(90A)	Weight restrictions
174.5(90A)	Down
174.6(90A)	Suspension

174.7(90A)	Training requirements
174.8(90A)	Judges
174.9	Reserved
174.10(90A)	Impartiality of timekeeper
174.11(90A)	Ringside

#### CHAPTER 175 AMATEUR BOXING

175.1(90A)	Purpose
175.2(90A)	Application
175.3(90A)	Verification
175.4(90A)	Forms

#### CHAPTER 176 PROFESSIONAL KICKBOXING

176.1(90A)	Scope and purpose
176.2(90A)	WKA rules adopted by reference
176.3(90A)	Professional boxing rules adopted by reference
176.4(90A)	Additional provisions

#### CHAPTER 177 MIXED MARTIAL ARTS

177.1(90A)	Definitions
177.2	Reserved
177.3(90A)	Equipment specifications
177.4(90A)	Event
177.5(90A)	Contestants
177.6(90A)	Procedural rules
177.7(90A)	Decision
177.8(90A)	Forfeit of purse

#### CHAPTERS 178 to 214 Reserved

#### *MINIMUM WAGE*

#### CHAPTER 215 MINIMUM WAGE SCOPE AND COVERAGE

215.1(91D)	Requirement to pay
215.2(91D)	Initial employment wage rate
215.3(91D)	Definitions
215.4(91D)	Exceptions
215.5(91D)	Interpretative guidelines

#### CHAPTER 216 RECORDS TO BE KEPT BY EMPLOYERS

216.1(91D)	Form of records—scope of rules
216.2(91D)	Employees subject to minimum wage
216.3(91D)	Bona fide executive, administrative, and professional employees (including academic administrative personnel and teachers in elementary or secondary schools), and outside sales employees employed pursuant to 875—subrule 215.4(1)
216.4(91D)	Posting of notices
216.5(91D)	Records to be preserved three years

216.6(91D)	Records to be preserved two years
216.7(91D)	Place for keeping records and their availability for inspection
216.8(91D)	Computations and reports
216.9(91D)	Petitions for exceptions
216.10	Reserved

## EMPLOYEES SUBJECT TO MISCELLANEOUS EXEMPTIONS

216.11 to 216.26	Reserved
216.27(91D)	Board, lodging, or other facilities
216.28(91D)	Tipped employees
216.29	Reserved
216.30(91D)	Learners, apprentices, messengers, students, or persons with a disability employed under special certificates as provided in the federal Fair Labor Standards Act, 29 U.S.C. 214
216.31(91D)	Industrial homeworkers
216.32	Reserved
216.33(91D)	Employees employed in agriculture pursuant to 875—subrule 215.4(6)

CHAPTER 217  
WAGE PAYMENTS

217.1	Reserved
217.2(91D)	Purpose and scope
217.3(91D)	“Reasonable cost”
217.4(91D)	Determinations of “reasonable cost”
217.5(91D)	Determinations of “fair value”
217.6(91D)	Effects of collective bargaining agreements
217.7(91D)	Request for review of tip credit
217.8 to 217.24	Reserved
217.25(91D)	Introductory statement
217.26	Reserved
217.27(91D)	Payment in cash or its equivalent required
217.28	Reserved
217.29(91D)	Board, lodging, or other facilities
217.30(91D)	“Furnished” to the employee
217.31(91D)	“Customarily” furnished
217.32(91D)	“Other facilities”
217.33 and 217.34	Reserved
217.35(91D)	“Free and clear” payment; “kickbacks”
217.36(91D)	Payment where additions or deductions are involved
217.37(91D)	Offsets
217.38(91D)	Amounts deducted for taxes
217.39(91D)	Payments to third persons pursuant to court order
217.40(91D)	Payments to employee’s assignee
217.41 to 217.49	Reserved
217.50(91D)	Payments to tipped employees
217.51(91D)	Conditions for taking tip credits in making wage payments
217.52(91D)	General characteristics of “tips”
217.53(91D)	Payments which constitute tips
217.54(91D)	Tip pooling
217.55(91D)	Examples of amounts not received as tips
217.56(91D)	“More than \$30 a month in tips”
217.57(91D)	Receiving the minimum amount “customarily and regularly”

217.58(91D)	Initial and terminal months
217.59(91D)	The tip wage credit

## CHAPTER 218

EMPLOYEES EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, OR PROFESSIONAL CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN ELEMENTARY OR SECONDARY SCHOOLS), OR IN THE CAPACITY OF OUTSIDE SALESPERSON

218.1(91D)	Executive
218.2(91D)	Administrative
218.3(91D)	Professional
218.4	Reserved
218.5(91D)	Outside salesperson
218.6(91D)	Special provision for motion picture producing industry
218.7 to 218.100	Reserved

## BONA FIDE EXECUTIVE CAPACITY

218.101(91D)	General
218.102(91D)	Management
218.103(91D)	Primary duty
218.104(91D)	Department or subdivision
218.105(91D)	Two or more other employees
218.106(91D)	Authority to hire or fire
218.107(91D)	Discretionary powers
218.108(91D)	Work directly and closely related
218.109(91D)	Emergencies
218.110(91D)	Occasional tasks
218.111(91D)	Nonexempt work generally
218.112(91D)	Percentage limitations on nonexempt work
218.113(91D)	Sole-charge exception
218.114(91D)	Exception for owners of 20 percent interest
218.115(91D)	Working supervisor
218.116(91D)	Trainees, executive
218.117(91D)	Amount of salary required
218.118(91D)	Salary basis
218.119(91D)	Special proviso for high-salaried executives
218.120 to 218.200	Reserved

## BONA FIDE ADMINISTRATIVE CAPACITY

218.201(91D)	Types of administrative employees
218.202	Reserved
218.203(91D)	Nonmanual work
218.204	Reserved
218.205(91D)	Directly related to management policies or general business operations
218.206(91D)	Primary duty
218.207(91D)	Discretion and independent judgment
218.208	Reserved
218.209(91D)	Percentage limitations on nonexempt work
218.210(91D)	Trainees, administrative
218.211(91D)	Amount of salary or fees required
218.212(91D)	Salary basis
218.213(91D)	Fee basis
218.214(91D)	Special proviso for high-salaried administrative employees

- 218.215(91D) Elementary or secondary schools and other educational establishments and institutions  
 218.216 to 218.300 Reserved

## BONA FIDE PROFESSIONAL CAPACITY

- 218.301(91D) General  
 218.302(91D) Learned professions  
 218.303(91D) Artistic professions  
 218.304(91D) Primary duty  
 218.305(91D) Discretion and judgment  
 218.306(91D) Predominantly intellectual and varied  
 218.307(91D) Essential part of and necessarily incident to  
 218.308 Reserved  
 218.309(91D) Twenty percent nonexempt work limitation  
 218.310(91D) Trainees, professional  
 218.311(91D) Amount of salary or fees required  
 218.312(91D) Salary basis  
 218.313(91D) Fee basis  
 218.314(91D) Exception for physicians, lawyers, and teachers  
 218.315(91D) Special proviso for high-salaried professional employees  
 218.316 to 218.499 Reserved

## OUTSIDE SALESPERSON

- 218.500(91D) Definition of “outside salesperson”  
 218.501(91D) Making sales or obtaining orders  
 218.502(91D) Away from employer’s place of business  
 218.503(91D) Incidental to and in conjunction with sales work  
 218.504(91D) Promotion work  
 218.505(91D) Driver salespersons  
 218.506(91D) Nonexempt work generally  
 218.507(91D) Twenty percent limitation on nonexempt work  
 218.508(91D) Trainees, outside salespersons  
 218.509 to 218.599 Reserved

## SPECIAL PROBLEMS

- 218.600(91D) Combination exemptions  
 218.601(91D) Special provision for motion picture producing industry  
 218.602(91D) Special proviso concerning executive and administrative employees in multistore retailing operations

## CHAPTER 219

APPLICATION OF THE FAIR LABOR STANDARDS ACT  
TO DOMESTIC SERVICE

- 219.1 Reserved  
 219.2(91D) Purpose and scope  
 219.3(91D) Domestic service employment  
 219.4(91D) Babysitting services  
 219.5(91D) Casual basis  
 219.6(91D) Companionship services for the aged or infirm  
 219.7 to 219.99 Reserved  
 219.100(91D) Application of minimum wage and overtime provisions  
 219.101(91D) Domestic service employment  
 219.102(91D) Live-in domestic service employees  
 219.103(91D) Babysitting services in general

219.104(91D)	Babysitting services performed on a casual basis
219.105(91D)	Individuals performing babysitting services in their own homes
219.106(91D)	Companionship services for the aged or infirm
219.107(91D)	Yard maintenance workers
219.108	Reserved
219.109(91D)	Third-party employment
219.110(91D)	Record-keeping requirements

## CHAPTER 220

APPLICATION OF THE FAIR LABOR STANDARDS ACT  
TO EMPLOYEES OF STATE AND LOCAL GOVERNMENTS

220.1(91D)	Definitions
220.2(91D)	Purpose and scope
220.3 to 220.10	Reserved
220.11(91D)	Exclusion for elected officials and their appointees
220.12(91D)	Exclusion for employees of legislative branches
220.13 to 220.19	Reserved
220.20(91D)	Introduction
220.21(91D)	Compensatory time and compensatory time off
220.22 to 220.26	Reserved
220.27(91D)	Payments for unused compensatory time
220.28(91D)	Other compensatory time
220.29	Reserved

## OTHER EXEMPTIONS

220.30	Reserved
220.31(91D)	Substitution—federal Fair Labor Standards Act, 29 U.S.C. 207(p)(3)
220.32 to 220.49	Reserved

## RECORD KEEPING

220.50(91D)	Records to be kept of compensatory time
220.51 to 220.99	Reserved

## VOLUNTEERS

220.100(91D)	General
220.101(91D)	“Volunteer” defined
220.102(91D)	Employment by the same public agency
220.103(91D)	“Same type of services” defined
220.104(91D)	Private individuals who volunteer services to public agencies
220.105(91D)	Mutual aid agreements
220.106(91D)	Payment of expenses, benefits, or fees
220.107 to 220.199	Reserved

FIRE PROTECTION AND LAW ENFORCEMENT  
EMPLOYEES OF PUBLIC AGENCIES

220.200 to 220.220	Reserved
220.221(91D)	Compensable hours of work
220.222(91D)	Sleep time
220.223(91D)	Meal time
220.224	Reserved
220.225(91D)	Early relief
220.226(91D)	Training time



## CHAPTER 72

### CONVEYANCES INSTALLED ON OR AFTER JANUARY 1, 1975

[Prior to 9/24/86, Labor, Bureau of [530]]

[Prior to 10/21/98, see 347—Ch 72]

**875—72.1(89A) Purpose and scope.** This chapter contains safety standards covering the design, construction, installation, operation, inspection, testing, maintenance, alteration and repair of conveyances installed on or after January 1, 1975. The rules of this chapter also apply to previously dormant conveyances that are being reactivated, and to reinstalled or moved conveyances. As used in this rule, the word “installation” refers to the date on which a conveyance contractor enters into a contractual agreement pertaining to a conveyance.

**72.1(1)** For installations between January 1, 1975, and December 31, 1982, ANSI A17.1 shall mean ANSI A17.1 (1971).

**72.1(2)** For installations between January 1, 1983, and December 31, 1992:

- a. ANSI A17.1 shall mean ANSI A17.1 (1981); and
- b. ANSI A117.1 shall mean ANSI A117.1 (1980).

**72.1(3)** For installations between January 1, 1993, and December 31, 2000:

- a. ASME A17.1 shall mean ASME A17.1 (1990) and in addition shall mean the following:
  - (1) ASME A17.1b (1992), Rule 110.11h, for electric elevators installed between July 1, 1993, and December 31, 2000, and
  - (2) ASME A17.1b (1992), Rule 110.11h that is referenced by Rule 300.11, for hydraulic elevators installed between July 1, 1993, and December 31, 2000.

- b. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (1990); and
- c. ANSI A117.1 shall mean ANSI A117.1 (1980).

**72.1(4)** For installations between January 1, 2001, and December 31, 2003:

- a. ASME A17.1 shall mean ASME A17.1 (1996 through the 1999 addenda);
- b. ASME A18.1 shall mean ASME A18.1 (1999), except Chapters 4, 5, 6, and 7;
- c. ANSI A117.1 shall mean ANSI A117.1 (1998); and
- d. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (1999).

**72.1(5)** For installations between January 1, 2004, and April 4, 2006:

- a. ASME A17.1 shall mean ASME A17.1 (2000 through the 2003 addenda);
- b. ASME A18.1 shall mean ASME A18.1 (1999 through the 2001 addenda), except Chapters 4, 5, 6, and 7;
- c. ANSI A117.1 shall mean ANSI A117.1 (1998); and
- d. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2002).

**72.1(6)** For installations between April 5, 2006, and July 22, 2008:

- a. ASME A17.1 shall mean ASME A17.1-2004, A17.1a-2005 and A17.1S-2005;
- b. ASME A18.1 shall mean ASME A18.1 (2003), except Chapters 4, 5, 6, and 7;
- c. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- d. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2005).

**72.1(7)** For installations between July 23, 2008, and July 18, 2012:

- a. ASME A17.1 shall mean ASME A17.1-2007/CSA B44-07;
- b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-07;
- c. ASME A18.1 shall mean ASME A18.1 (2003), except Chapters 4, 5, 6, and 7;
- d. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- e. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2005).

**72.1(8)** For installations on or after July 19, 2012:

- a. ASME A17.1 shall mean ASME A17.1-2010/CSA B44-10, except for Rule 2.27.1.1.6;
- b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-07;
- c. ASME A18.1 shall mean ASME A18.1 (2003), except Chapters 4, 5, 6, and 7;
- d. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- e. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2008).

**72.1(9)** For installations between January 31, 2014, and January 14, 2015:

- a. ASME A17.1 shall mean ASME A17.1-2010/CSA B44-10, except for Rule 2.27.1.1.6;
- b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-07;
- c. ASME A18.1 shall mean ASME A18.1 (2011), except Chapters 4, 5, 6, and 7;
- d. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- e. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2008).

**72.1(10)** For installations on or after January 14, 2015:

- a. ASME A17.1 shall mean ASME A17.1-2013/CSA B44-13;
- b. ASME A17.7 shall mean ASME A17.7-2007/CSA B44-07;
- c. ASME A18.1 shall mean ASME A18.1 (2011), except Chapters 4, 5, 6, and 7;
- d. ANSI A117.1 shall mean ANSI A117.1 (2003), except for Rule 407.4.6.2.2; and
- e. ANSI/NFPA 70 shall mean ANSI/NFPA 70 (2011).

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 8759B, IAB 5/19/10, effective 6/23/10; ARC 0168C, IAB 6/13/12, effective 7/18/12; ARC 1232C, IAB 12/11/13, effective 1/31/14; ARC 1766C, IAB 12/10/14, effective 1/14/15]

**875—72.2(89A) Definitions.** The definitions contained in ASME A17.1, ASME A18.1, ANSI A117.1, and any other standard adopted herein by reference shall be applicable as used in this chapter to the extent that the definitions do not conflict with the definitions contained in Iowa Code chapter 89A and these rules. However, the definition of “building code” in ASME A17.1 is modified to exclude the Building Construction and Safety Code (NFPA 5000) and the National Building Code of Canada (NBCC) for any installation after March 1, 2008.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—72.3(89A) Accommodating the physically disabled.** All passenger elevators installed between January 1, 1975, and December 31, 1982, which are available and intended for public use shall be usable by the physically disabled. All passenger elevators shall have control buttons with identifying features for the benefit of the blind and shall allow for wheelchair traffic. All passenger elevators and wheelchair lifts installed on or after January 1, 1983, which are accessible to the general public shall comply with Accessible and Usable Buildings and Facilities ANSI A117.1, sections 407 and 408.

**875—72.4(89A) Electric elevators.** The provisions contained in ASME A17.1, part 2, are adopted by reference.

**875—72.5(89A) Hydraulic elevators.** The provisions contained in ASME A17.1, part 3, are adopted by reference.

**875—72.6(89A) Power sidewalk elevators.** The provisions contained in ASME A17.1, section 5.5, are adopted by reference.

**875—72.7(89A) Performance-based safety code.** Conveyances may comply with ASME A17.7, in whole or in part, as an alternative to ASME A17.1.

**875—72.8(89A) Hand and power dumbwaiters.** The provisions contained in ASME A17.1, sections 7.1, 7.2, 7.3, and 7.8, are adopted by reference.

**875—72.9(89A) Escalators and moving walks.** The provisions contained in ASME A17.1, part 6, are adopted by reference, except for those portions that allow an operating or safety device to reset automatically.

[ARC 1766C, IAB 12/10/14, effective 1/14/15]

**875—72.10(89A) General requirements.**

**72.10(1)** The provisions contained in ASME A17.1, Part 8, are adopted by reference unless specifically excluded herein.

**72.10(2)** Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, 2020.

*a.* If a code provision that is more restrictive than A17.3 (2011) applied to a conveyance when the conveyance was installed, the more restrictive provision shall remain in effect.

*b.* A17.3 (2011) Part X applies to handicapped restricted use elevators without regard to the scope provisions set forth in A17.3 (2011) Part X.

*c.* Provisions of A17.3 (2011) that require installation of a new controller to implement Phase 1 and Phase 2 fire service or car top operation are not adopted by reference and shall not be enforced in Iowa.

*d.* A17.3 (2011), Rule 2.3.2, is intended to prevent the accumulation of sewer gas in an elevator pit and shall not be interpreted to require the addition of a drain pipe in an existing pit. An air gap in an existing drain pipe shall be considered adequate compliance.

*e.* An elevator that was legally installed with guide rails made of materials other than steel shall not be required to replace the guide rails due to the adoption of A17.3 (2011).

[ARC 1891C, IAB 3/4/15, effective 4/8/15]

**875—72.11(89A) Acceptance and periodic tests and inspections of elevators, dumbwaiters, escalators and moving walks.** Rescinded IAB 6/17/09, effective 7/22/09.

**875—72.12(89A) Wind tower lifts.** Wind tower lifts authorized by this rule shall not be installed in grain elevators, high-rise buildings, water towers, television towers or any facility other than a wind tower built for the production of electricity. This rule applies to all wind tower lifts, whether installed before or after May 28, 2008; however, this exception shall not apply to a wind tower lift if the contract for its installation is executed after an AECO is accredited.

**72.12(1)** Wind tower lifts that meet the requirements of subrules 72.12(2) through 72.12(10) are exempt from the requirements of ASME A17.1. This temporary exemption shall terminate for a wind tower lift upon the occurrence of at least one of the following events:

*a.* Three weeks have passed since the accreditation of at least one AECO, and the manufacturer of the wind tower lift has not filed with the labor commissioner an affidavit attesting that a request for Certificate of Conformance as described by ASME A17.7 (2007) was submitted to an AECO.

*b.* The AECO has reviewed a request pursuant to ASME A17.7 and refused to issue a Certificate of Conformance for the model or series of lifts.

*c.* The AECO has determined that modifications to the wind tower lift are necessary, and the modifications have not been made with reasonable diligence.

*d.* The AECO has determined that modifications to the wind tower lift are necessary, and the labor commissioner determines the wind tower lift is not safe to operate prior to completion of the modifications.

*e.* The AECO has reviewed an application pursuant to ASME A17.7 and issued a Certificate of Conformance for the model or series of lifts.

**72.12(2)** A wind tower lift placed in operation on or before May 28, 2008, shall be registered by the owner with the labor commissioner no later than July 1, 2008, and shall pass an installation inspection by inspectors employed by the labor commissioner according to the schedule set by the labor commissioner. The wind tower lift shall receive a periodic inspection by the labor commissioner's inspectors annually thereafter.

**72.12(3)** The owner of a wind tower lift installed after May 28, 2008, shall register the wind tower lift with the labor commissioner prior to its installation. A wind tower lift installed after May 28, 2008, shall pass an installation inspection by the labor commissioner's inspectors prior to its being placed into operation. The wind tower lift shall receive a periodic inspection by the labor commissioner's inspectors annually thereafter.

**72.12(4)** Registration pursuant to this rule requires submission of the following information to the labor commissioner:

- a. The unique identifier of the wind tower.
- b. The name of the wind tower owner and contact information for the owner's representative.
- c. The name of the wind tower lift manufacturer and contact information for the manufacturer's representative.
- d. The location of the wind farm.
- e. Three copies of the prints and design documents that are certified by a professional engineer duly licensed in the state of Iowa and that bear the professional engineer's P.E. stamp for the lifts.
- f. The manufacturer's complete test procedures, inspection checklists, operating manual, service manual, and related documents as determined necessary by the labor commissioner.

**72.12(5)** The owner shall notify the labor commissioner within 30 days of any change in the information provided pursuant to 72.12(4) "b" and "c."

**72.12(6)** This subrule establishes reporting requirements in addition to the requirements of rule 875—71.3(89A). The manufacturer of a lift must notify the labor commissioner in writing within one week if one of its wind tower lifts anywhere in the world is involved in a personal injury accident requiring the service of a physician, a personal injury accident causing disability exceeding one day or death, or an incident causing property damage exceeding \$2,000. The notification shall specifically identify the model number, serial number, and owner of the lift, and a description of the incident or accident. The labor commissioner shall determine and require necessary inspections, tests, changes or enhancements to prevent a similar incident or accident in this state.

**72.12(7)** Wind tower lifts must comply with 29 CFR 1910.

**72.12(8)** The manufacturer shall notify the labor commissioner within seven days of notification to the manufacturer that an AECO has:

- a. Issued a Certificate of Conformance for the model or series of wind tower lifts,
- b. Refused to issue a Certificate of Conformance for the model or series of wind tower lifts, or
- c. Determined that modifications to the wind tower lifts are necessary.

**72.12(9)** Wind tower lifts shall pass an inspection covering the following criteria:

- a. Ascending speed, descending speed, and emergency descending speed shall not exceed the manufacturer's recommendations.
- b. Stop switch, interior lighting, cage entry door, door contact, operating controls and remote operating controls shall operate according to manufacturer's recommendations.
- c. Interior floor and cage framework shall appear to be structurally sound.
- d. Enclosure signage recommended by the manufacturer shall be in place.
- e. Manufacturer's data plate shall be visible.
- f. Hoisting mechanism shall appear to be structurally sound and intact from inside and outside the car.
- g. Guide shoes shall appear to be structurally sound and undamaged.
- h. Suspended power cords and strain relief devices shall reveal no visible damage.
- i. Upper and lower normal and final limits shall operate according to the manufacturer's recommendations.
- j. Overspeed device shall successfully pass a full-load test.
- k. Overload device shall successfully pass an overload test according to the manufacturer's recommendations.
- l. Wire rope, safety rope, and guide rope shall show no evidence of wear.
- m. Guide rope attachments, suspension attachment beam, beam tower attachments, suspension rope attachment, suspension rope secondary attachment (if present), and guide wire rope attachments shall show no evidence of wear or fatigue.
- n. The wind tower lift shall not drift when subjected to a static full load.
- o. Maintenance logs, tags, and other necessary documentation shall be available in sufficient detail to establish that maintenance is occurring pursuant to the manufacturer's schedule.
- p. Guide rope tension device, safety rope tension device, and suspension rope tension device shall pass a visual test for proper tension.
- q. Power cord catch basket shall pass a visual inspection.

r. Safety set distance, overspeed trip speed, overload limit setting, and maximum overload allowed shall not exceed manufacturer's recommendations.

s. A communication device, if installed in the car, shall be operable.

t. Any other items on the manufacturer's recommended inspection checklist shall pass inspection.

**72.12(10)** The owner or owner's representative shall provide weights as needed to perform necessary tests during inspections.

**875—72.13(89A) Alterations, repairs, replacements and maintenance.**

**72.13(1) General.** Except as set forth in this rule, all maintenance, repairs, replacements, and alterations shall comply with the edition of ASME A17.1 currently adopted for new conveyances at rule 875—72.1(89A) or ASME A17.7-2007/CSA B44-07, as applicable. Rule 875—71.10(89A) describes alterations which require that the entire conveyance be brought into compliance with the most current codes.

**72.13(2) Exemption for button renumbering.** All maintenance, repairs and alterations to devices covered by ANSI A117.1 shall comply with ANSI A117.1 (2003), except for Rule 407.4.6.2.2.

**72.13(3) Sump pump exemption.** The provisions of ASME A17.1 that require a pit sump or drain shall not apply to an elevator alteration when all of the following criteria are met:

- a. No other code or rule requires that the pit be excavated or lowered.
- b. The alteration plans do not include the excavation or lowering of the pit floor for any other reason.
- c. There is evidence that groundwater has not entered the pit previously.
- d. The location and geology of the building indicate a likelihood that groundwater would enter the pit if the foundation or pit floor were breached to install the pit sump or drain.
- e. A description of alternative means to maintain the pit in a dry condition is provided to the labor commissioner with the alteration permit application.
- f. The labor commissioner approves the alternative means to maintain the pit in a dry condition.
- g. The alternative means to maintain the pit in a dry condition are installed or implemented as described in the alteration permit application.

**72.13(4) Pit excavation exemption.** The full length of the platform guard set forth in ASME A17.1, Rule 2.15.9.2(a), shall not be required if all of the following criteria are met:

- a. No other code or rule requires that the pit be excavated or lowered.
- b. The alteration plans do not include the excavation or lowering of the pit floor for any other reason.
- c. A full-length platform guard would strike the pit floor when the elevator is on its fully compressed buffer.
- d. The clearance between the bottom of the platform guard and the pit floor is 2.5 centimeters (1 inch) when the elevator is on its fully compressed buffer.

**72.13(5) Sprinkler retrofits and shunt trip breakers.** When a sprinkler is added to a hoistway or machine room, the conveyance shall comply with the following:

- a. The installation shall comply with the applicable version of ASME A17.1, Rule 2.8.3.3.
- b. The elevator controls shall be arranged to comply with the phase I fire recall provisions of the applicable version of ASME A17.1, Rule 2.27.3.
- c. The applicable version of ASME A17.1 shall be determined by reference to rule 875—72.1(89A). For purposes of rule 875—72.13(89A), the relevant subrule of 875—72.1(89A) shall apply based on the date the sprinkler is installed instead of the date the conveyance was installed.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 1766C, IAB 12/10/14, effective 1/14/15]

**875—72.14(89A) Design data and formulas.** Rescinded IAB 11/26/03, effective 1/1/04.

**875—72.15(89A) Power-operated special purpose elevators.** The provisions contained in ASME A17.1, section 5.7, are adopted by reference.

**875—72.16(89A) Inclined and vertical wheelchair lifts.** The provisions contained in ASME Safety Standard for Platform Lifts and Stairway Chairlifts A18.1, sections 1, 2, 3, 8, 9, and 10, are adopted by reference for all inclined and vertical wheelchair lifts.

**875—72.17(89A) Hand-powered elevators.** Hand-powered elevators shall not be installed after January 1, 1983.

**875—72.18(89A) Accommodating the physically disabled.** Renumbered as 875—72.3(89A), IAB 11/26/03, effective 1/1/04.

**875—72.19(89A) Limited-use/limited-application elevators.** The provisions contained in ASME A17.1, section 5.2, are adopted by reference.

**875—72.20(89A) Rack and pinion, screw-column elevators.** The provisions contained in ASME A17.1, sections 4.1 and 4.2, are adopted by reference.

**875—72.21(89A) Inclined elevators.** The provisions contained in ASME A17.1, section 5.1, are adopted by reference.

**875—72.22(89A) Material lift elevators.** The provisions contained in ASME A17.1, Sections 7.4 and 7.5, are adopted by reference for Type B material lift elevators installed on or after July 23, 2008. Material lift elevators used exclusively for the movement of materials are not subject to regulation under Iowa Code chapter 89A.

[Editorial change: IAC Supplement 2/18/15; see Note 1 at end of chapter]

**875—72.23(89A) Elevators used for construction.** The provisions contained in ASME A17.1, section 5.10, are adopted by reference only as they pertain to elevators utilizing permanent equipment in a permanent location.

**875—72.24(89A) Construction personnel hoists.** The provisions of American National Standards Institute (ANSI) A10.4-2007 are adopted by reference for construction personnel hoists as defined by ANSI A10.4-2007. Notwithstanding the ANSI definition, these conveyances may be used only temporarily during construction.

**875—72.25(89A) Alarm bell.** An automatic passenger elevator shall be provided with an alarm bell that is activated by a switch marked “ALARM” located in or adjacent to the car operating panel. The alarm bell shall be audible inside the car and outside the hoistway.

[ARC 0950C, IAB 8/21/13, effective 9/25/13]

These rules are intended to implement Iowa Code chapter 89A.

[Filed emergency 12/15/75, Notice 10/6/75—published 12/29/75, effective 12/15/75]

[Filed 7/28/82, Notice 5/26/82—published 8/18/82, effective 9/30/82]

[Filed emergency 9/5/86—published 9/24/86, effective 9/24/86]

[Filed emergency 4/17/87—published 5/6/87, effective 4/17/87]

[Filed emergency 12/4/92 after Notice 9/30/92—published 12/23/92, effective 12/23/92]

[Filed 2/15/01, Notice 10/18/00—published 3/7/01, effective 4/11/01]

[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 1/1/04]

[Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]

[Filed 6/16/06, Notice 5/10/06—published 7/5/06, effective 8/9/06]

[Filed 7/3/07, Notice 4/25/07—published 8/1/07, effective 9/5/07]

[Filed 12/11/07, Notice 10/24/07—published 1/2/08, effective 2/6/08]

[Filed emergency 5/28/08—published 6/18/08, effective 5/28/08]

[Filed 5/29/08, Notice 4/23/08—published 6/18/08, effective 7/23/08]

[Filed 9/3/08, Notice 6/18/08—published 9/24/08, effective 10/29/08]

[Filed ARC 7840B (Notice ARC 7696B, IAB 4/8/09), IAB 6/17/09, effective 7/22/09]

[Filed ARC 8759B (Notice ARC 8622B, IAB 3/24/10), IAB 5/19/10, effective 6/23/10]  
[Filed ARC 0168C (Notice ARC 0011C, IAB 2/22/12), IAB 6/13/12, effective 7/18/12]  
[Filed ARC 0950C (Notice ARC 0753C, IAB 5/29/13), IAB 8/21/13, effective 9/25/13]  
[Filed ARC 1232C (Notice ARC 1108C, IAB 10/16/13), IAB 12/11/13, effective 1/31/14]  
[Filed ARC 1766C (Notice ARC 1560C, IAB 7/23/14), IAB 12/10/14, effective 1/14/15]  
[Editorial change: IAC Supplement 2/18/15]<sup>1</sup>  
[Filed ARC 1891C (Notice ARC 1771C, IAB 12/10/14), IAB 3/4/15, effective 4/8/15]

<sup>1</sup> Adopted language of rule 875—72.22(89A) [ARC 6854B, 6/18/08] editorially restored IAC Supplement 2/18/15.





CHAPTER 73  
CONVEYANCES INSTALLED PRIOR TO JANUARY 1, 1975

[Prior to 9/24/86, Labor, Bureau of [530]]

[Prior to 10/21/98, see 347—Ch 73]

**875—73.1(89A) Scope, definitions, and schedule.**

**73.1(1)** This chapter establishes minimum safety standards for all conveyances installed prior to January 1, 1975, except material lift elevators. Conveyances installed on or after January 1, 1975, shall conform with the requirements set forth in 875—Chapter 72. Material lift elevators installed prior to January 1, 1975, are not subject to regulation pursuant to Iowa Code section 89A.2.

**73.1(2)** The definitions contained in American National Standard Safety Code for Elevators, Dumbwaiters, Escalators, and Moving Walks, A17.1 (1971), shall be applicable as used in this chapter to the extent that they do not conflict with the definitions contained in Iowa Code chapter 89A or 875—Chapter 71.

**73.1(3)** Except as noted in this rule, the American Society of Mechanical Engineers Safety Code for Existing Elevators and Escalators, A17.3 (2011), is adopted by reference with an enforcement date of May 1, 2020.

*a.* If a code provision that is more restrictive than A17.3 (2011) applied to a conveyance when the conveyance was installed, the more restrictive provision shall remain in effect.

*b.* A17.3 (2011) Part X applies to elevators covered by rule 875—73.21(89A) without regard to the scope provisions set forth in A17.3 (2011) Part X.

*c.* Provisions of A17.3 (2011) that require installation of a new controller to implement Phase 1 and Phase 2 fire service or car top operation are not adopted by reference and shall not be enforced in Iowa.

*d.* A17.3 (2011), Rule 2.3.2, is intended to prevent the accumulation of sewer gas in an elevator pit and shall not be interpreted to require the addition of a drain pipe in an existing pit. An air gap in an existing drain pipe shall be considered adequate compliance.

*e.* The following shall substitute for the final sentence of A17.3 (2011) Rule 2.1.5(b): “Previously installed 60-inch chains are deemed to be in compliance.”

*f.* An elevator that was legally installed with guide rails made of materials other than steel shall not be required to replace the guide rails due to the adoption of A17.3 (2011).

**73.1(4)** The American Society of Mechanical Engineers Safety Code for Elevators and Escalators, A17.1-2013/CSA B44-13 (2013), Rule 2.14.7.1.4, is adopted by reference with an effective date of May 1, 2020.

**73.1(5)** Rules 875—73.2(89A) to 875—73.6(89A), 875—73.9(89A) to 875—73.17(89A), 875—73.19(89A), 875—73.22(89A), and 875—73.24(89A) and subrules 73.1(2), 73.7(1) to 73.7(9), 73.7(11), 73.18(1), and 73.18(3) to 73.18(7) shall be superseded by corresponding provisions of A17.3 (2011) on May 1, 2020.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 1891C, IAB 3/4/15, effective 4/8/15]

**875—73.2(89A) Hoistways.**

**73.2(1)** Each passenger elevator hoistway landing shall be protected with a door or gate. The door or gate shall be of solid construction and shall guard the entire entrance.

**73.2(2)** All automatic passenger elevators with power doors shall have nonvision panels on hoistway doors.

**73.2(3)** Each hoistway landing in any elevator hoistway shall be continuously provided with a properly working door or gate.

**73.2(4)** Where freight elevator hoistway doors or gates are of open or lattice construction, they shall be at least 6 feet high and shall come within 2 inches of the floor when closed. Gates shall be constructed to reject a ball 2 inches in diameter. Doors and gates must be able to withstand 250 pounds of pressure applied in the center of the door or gate without breaking or being forced out of their guides.

**73.2(5)** Manually operated biparting entrances of elevators which can be operated from the landings shall be provided with pull straps on the inside and outside of the upper panel where the lower edge of the upper panel is more than 6 feet 6 inches above the landing when the panel is in the fully opened position.

**73.2(6)** All freight elevators having wooden hoistway gates in an area where power loading equipment, such as fork trucks, electric mules, etc. are used shall have an acceptable means to restrain the power equipment from running through such wooden gates.

**73.2(7)** Each hoistway door or gate shall be provided with interlocks designed to prevent the car from moving unless the doors or gates are closed. Where doors or gates do not lock when closed they shall lock when the elevator is not more than 12 inches away from the floor. Passenger elevator hoistway doors shall be closed and locked before the car leaves the floor.

**73.2(8)** All hoistway-door interlocks shall function as part of a hoistway-unit system.

**73.2(9)** Automatic fire doors shall not lock any landing opening in the hoistway enclosure from the hoistway side nor lock any exit leading from any hoistway landing to the outside of the building.

**73.2(10)** Emergency keys for hoistway doors and service keys shall be kept readily accessible to authorized persons and elevator safety inspectors.

**73.2(11)** Access means shall be provided at one upper landing to permit access to the top of the car, and at the lowest landing if this landing is the normal point of access to the pit.

**73.2(12)** Each hoistway door or gate which is counterweighted shall have its weights enclosed in a box-type guide or run in metal guides. The bottom of the guides or boxes shall be so constructed as to retain the counterweight if the counterweight suspension means breaks.

**73.2(13)** Hoistways containing freight elevators shall be fully enclosed. Enclosures shall be unperforated to a height of 6 feet above each floor or landing and above the treads of adjacent stairways. Unperforated enclosures shall be so supported and braced as to deflect not over 1 inch when subjected to a force of 100 pounds applied horizontally to any point. Open work enclosure may be used above the 6-foot level and shall reject a ball 2 inches in diameter.

**73.2(14)** Hoistways containing passenger elevators shall be fully enclosed and the enclosure shall be of solid construction to its full height.

**73.2(15)** All elevators that have automatic leveling, inching or teasing devices and that are configured with landing sills that project into the hoistway shall be equipped with a bevel on the underside of the landing sill or the underside of projections found on the bottom section of vertically opening biparting doors. Bevels shall be constructed of smooth concrete or not less than 16-gauge metal securely fastened to the hoistway entrance. Bevels shall extend the full depth of the leveling zone plus 3 inches.

**73.2(16)** Every hoistway window opening seven stories or less on an outside wall above a thoroughfare and every such window three stories or less above a roof of the building or of an adjacent building shall be guarded to prevent entrance by fire or emergency rescue persons. Each such window shall be marked "hoistway" in a readily visible manner.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.3(89A) Car enclosure: Passenger.**

**73.3(1)** Each passenger car shall be fully enclosed except on the sides used for entrance and exit. The enclosure shall be of solid construction. Grillwork at the top of the sides shall not be more than 8 inches high. If the car is provided with a solid door and there is no grillwork in the enclosure, adequate means of ventilation shall be provided.

**73.3(2)** Each passenger car enclosure shall have a top constructed of solid material. The top shall be capable of sustaining a load of 300 pounds on any area of 2 feet on a side and 100 pounds applied at any point. Simultaneous application of these loads is not required.

**73.3(3)** Passenger car enclosure tops shall have an emergency exit with cover. Opening size shall be as set forth in ANSI A17.1, 1971, Rule 204.1E. Hydraulic elevators provided with a manual lowering valve are not required to provide an emergency exit.

**73.3(4)** Each passenger car shall have a door or gate at each entrance. Doors or gates shall be of the horizontally sliding type. Doors shall be of solid construction. Gates shall be of the collapsible type. Gates and doors shall conform to ANSI A17.1, 1971, Rule 204.4.

**73.3(5)** Each passenger car door or gate shall have an electric contact to prevent the car from running with doors or gates open. EXCEPTIONS:

- a. By a car-leveling or truck-zoning device.
- b. By a combination hoistway access switch and operating device.
- c. When a hoistway access switch is operated.

**73.3(6)** All automatic passenger elevators with power doors shall have reopening devices on the doors, designed to reopen doors in the event the doors should become obstructed.

**73.3(7)** Car door or gate closing force.

a. Where a car door or gate of an automatic or continuous-pressure operation passenger elevator is closed by power, or is of the automatically released self-closing type, and faces a manually operated or self-closing hoistway door, the closing of the car door or gate shall not be initiated unless the hoistway door is in the closed position. The closing mechanism shall be so designed that the force necessary to prevent closing of a horizontally sliding car door or gate from rest shall be not more than 30 pounds.

b. Paragraph 73.3(7) "a" does not apply when both of the following conditions are met:

- (1) A car door or gate is closed by power through continuous pressure of a door-closing switch or the car operating device, and
- (2) The release of the closing switch or operating device will cause the car door or gate to stop or to stop and reopen.

**73.3(8)** Each passenger car shall have lighting inside the enclosure of not less than 5 foot-candles. Bulbs and tubes shall be guarded to prevent breakage.

**73.3(9)** Each passenger elevator shall have a capacity plate prominently displayed in its enclosure. The capacity plate shall list its capacity in pounds.

**73.3(10)** All passenger elevator car floors shall be maintained so that persons are not exposed to the hazards of tripping or falling.

**73.3(11)** All automatic passenger elevators shall be provided with an alarm bell capable of being activated from inside the car and audible outside the hoistway. If the elevator is not equipped with a bell, a two-way conversation device to the elevator and a ready accessible point outside the hoistway may be acceptable.

**73.3(12)** All automatic passenger elevators shall have their door open zones adjusted so that the door shall not open unless the car has stopped within 6 inches of floor level.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

#### **875—73.4(89A) Car enclosure: Freight.**

**73.4(1)** Each freight elevator car shall have a solid enclosure at least 66 inches in height. The space between the solid section and the car top shall be enclosed with solid material, perforated material, or latticework. Where used, perforated material or latticework shall reject a ball 1½ inches in diameter. The portion of open-type enclosure which passes the counterweights shall be of solid construction the entire width of the counterweights plus 6 inches on either side. The enclosure top shall be provided with an emergency exit, except for hydraulic elevators with manual lowering valves.

**73.4(2)** Each freight car enclosure shall have doors or gates at each entrance and shall be not less than 6 feet high. Each door or gate shall be constructed in accordance with ANSI A17.1, 1971, Rule 204.4.

**73.4(3)** Each car door or gate on a freight elevator shall have electric contacts to prevent the car from running with doors or gates open. EXCEPTIONS:

- a. By a car-leveling or truck-zoning device.
- b. By a combination hoistway access switch and operating device.
- c. When a hoistway access switch is operated.

**73.4(4)** Each freight elevator car enclosure shall be provided with a top. The top may be of solid or open-work construction and shall be of metal. The openwork shall reject a ball 2 inches in diameter.

Car tops shall be constructed to sustain a load of 200 pounds applied at any point on the car top. The top shall not have hinged or folding panels other than the emergency exit cover.

**73.4(5)** Each freight car enclosure shall have lighting not less than 2½ foot-candles. Bulbs or tubes shall be guarded to prevent breakage.

**73.4(6)** Each freight car enclosure shall have capacity plate, loading class plates, and a “No Passenger” sign conspicuously posted. Letters shall be not less than ½-inch high.

**73.4(7)** Freight elevators shall not be loaded to exceed the rated load as stated on their capacity plates.

**73.4(8)** Each freight elevator car floor shall be maintained so that personnel will not readily slip or trip. The floor shall be maintained so that it will hold its rated load without breaking through at any place in the car.

**73.4(9)** Freight elevators shall not be permitted to carry passengers other than the operator and persons to load and unload material.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

#### **875—73.5(89A) Brakes.**

**73.5(1)** Each electric elevator shall be provided with an electric brake.

**73.5(2)** Each brake shall be of the friction type applied by a spring or springs or gravity and released electrically. The brake shall be capable of holding the car at rest with its rated load.

#### **875—73.6(89A) Machines.**

**73.6(1)** Friction gearing or clutch mechanisms shall not be used for connecting the drum or sheaves to the main driving mechanism.

**73.6(2)** Set screw fastenings shall not be used on power elevators in lieu of keys or pins on connections subject to torque or tension.

**73.6(3)** Portable power-chain or cable hoist machines shall not be used to raise or lower an elevator car.

**73.6(4)** No belt or chain driven power machine shall be used for any elevator unless the machine is provided with a broken belt or broken chain safety switch of the electrical nonautomatic reset type. EXCEPTION: Hydraulic machines.

#### **875—73.7(89A) Electrical protective devices.**

**73.7(1)** All electric elevators shall have a labeled emergency stop switch. The switch shall be located on or adjacent to the operating panel.

**73.7(2)** All electric elevators shall have upper and lower final limit switches. Open-type switches shall not be accepted. Drum-type machines shall have final limit switches mounted on the machine and hoistway final limit switches.

**73.7(3)** All operating devices of car switch operations shall automatically return to the stop position and latch there when released.

**73.7(4)** Tiller-rope operations shall not be used unless all direction switches on controllers are mechanically operated. Contacts on direction switches shall be broken when the rope is at the centered position.

**73.7(5)** Except for firefighter service switches, leveling switches, and truck zone switches, no elevator shall be provided with a switch or device which makes more than one door or gate switch inoperative at any one time.

**73.7(6)** No person at any time shall make any required safety device or electrical protective device inoperative, except where necessary during tests, inspections or maintenance. Such devices shall be restored to their normal operating conditions as soon as all tests, inspections and maintenance have been completed. The conveyance shall not be left unattended while any of these devices are inoperative. To ensure that no jumpers are left behind, a counting system shall be utilized.

**73.7(7)** Each winding drum machine shall be provided with an electrical switch which shall disconnect power to the hoisting motor and brake when ropes are slackened.

**73.7(8)** No person shall enter an elevator pit for any reason without disconnecting power to the equipment using the pit stop switch, lockout, tagout procedures, or other appropriate means of de-energization in accordance with 875—Chapters 2 to 26.

**73.7(9)** Elevators having a polyphase AC power supply shall be provided with means to prevent the starting of the elevator drive motor or door motor if a reversal of phase rotation, or phase failure of the incoming polyphase AC power, will cause the elevator car or elevator door(s) to operate in the wrong direction.

**73.7(10)** All electrical equipment in the machine room shall be grounded and shall conform to ANSI C1-1975 (NFPA 70-1975).

**73.7(11)** All electrical wiring in the machine room and hoistway shall be enclosed in metal conduit, flexible conduit or metal raceways.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.8(89A) Maintenance, repairs and alterations.**

**73.8(1) General.** Except as set forth in this rule, all maintenance, repairs and alterations shall comply with the edition of ASME A17.1 currently adopted for new conveyances at rule 875—72.1(89A) or ASME A17.7-2007/CSA B44-07, as applicable. Rule 875—71.10(89A) describes alterations which require that the entire conveyance be brought into compliance with the most current code.

**73.8(2) Exemption for button numbering.** All maintenance, repairs and alterations to devices covered by ANSI A117.1 shall comply with ANSI A117.1 (2003), except for Rule 407.4.6.2.2.

**73.8(3) Sump pump exemption.** The provisions of ASME A17.1 that require a pit sump or drain shall not apply to an elevator alteration when all of the following criteria are met:

- a. No other code or rule requires that the pit be excavated or lowered.
- b. The alteration plans do not include the excavation or lowering of the pit floor for any other reason.
- c. There is evidence that groundwater has not entered the pit previously.
- d. The location and geology of the building indicate a likelihood that groundwater would enter the pit if the foundation or pit floor were breached to install the pit sump or drain.
- e. A description of alternative means to maintain the pit in a dry condition is provided to the labor commissioner with the alteration permit application.
- f. The labor commissioner approves the alternative means to maintain the pit in a dry condition.
- g. The alternative means to maintain the pit in a dry condition are installed or implemented as described in the alteration permit application.

**73.8(4) Pit excavation exemption.** The full length of the platform guard set forth in ASME A17.1, Rule 2.15.9.2(a), shall not be required if all of the following criteria are met:

- a. No other code or rule requires that the pit be excavated or lowered.
- b. The alteration plans do not include the excavation or lowering of the pit floor for any other reason.
- c. A full-length platform guard would strike the pit floor when the elevator is on its fully compressed buffer.
- d. The clearance between the bottom of the platform guard and the pit floor is 2.5 centimeters (1 inch) when the elevator is on its fully compressed buffer.

**73.8(5) Sprinkler retrofits and shunt trip breakers.** When a sprinkler is added to a hoistway or machine room, the conveyance shall comply with the following:

- a. The installation shall comply with the applicable version of ASME A17.1, Rule 2.8.3.3.
- b. The elevator controls shall be arranged to comply with the phase I fire recall provisions of the applicable version of ASME A17.1, Rule 2.27.3.
- c. The applicable version of ASME A17.1 shall be determined by reference to rule 875—72.1(89A). For purposes of rule 875—73.8(89A), the relevant subrule of 875—72.1(89A) shall apply based on the date the sprinkler is installed instead of the date the conveyance was installed.

**73.8(6) *Safety bulkheads.*** Documentation from the manufacturer establishing that a safety bulkhead was installed shall establish compliance with ASME A17.1, Rule 8.6.5.8.  
[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 1766C, IAB 12/10/14, effective 1/14/15]

**875—73.9(89A) Machine rooms.**

**73.9(1)** All means of access to elevator machine rooms shall be of a permanent nature and shall be constructed and maintained in a clear and unobstructed manner.

**73.9(2)** The elevator machine and control equipment shall be located in a separate room or separated from other equipment by a substantial grill not less than 6 feet high. The grill shall be of a design that will reject a ball 2 inches in diameter. All rooms or enclosures shall have a self-closing and self-locking door.

**73.9(3)** All elevator machine rooms shall be provided with a floor. The floor shall cover the entire area of the machine room and hoistway.

**73.9(4)** Machine room floors shall be kept clean and free of grease and oil. Articles or materials not necessary for the maintenance or operation of the elevator shall not be stored therein. Storage of any equipment or materials in elevator machine rooms other than equipment directly related to elevator operation is prohibited.

**73.9(5)** Lighting in the machine room shall be not less than 10 foot-candles at floor level.

**73.9(6)** Where there is more than one machine in a room, each machine shall have a different number conspicuously marked on it. The controller, disconnecting means and relay panels for each machine shall be conspicuously numbered to correspond to the machine they control.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.10(89A) Pits.**

**73.10(1)** All pits shall be kept clean and free of equipment or material not relating to the operation of the elevator. EXCEPTION: sump pumps.

**73.10(2)** Buffers under cars and counterweights shall be permanently fastened to the floor or their supporting beams.

**73.10(3)** All elevators shall have counterweight guards. Guards shall be of unperforated metal of at least the strength of or braced to the equivalent strength of number 14-gauge sheet steel. Guards shall extend from a point not more than 12 inches above the pit floor to a point not less than 7 feet above the pit floor. Where guards are not feasible, warning chains shall be installed on the bottom of the counterweights and shall extend no less than 5 feet below the counterweight. Chains shall be of a number 10 U.S. gauge wire or of equal size. EXCEPTION: When compensating chains or ropes are used, a counterweight guard is not required.

**73.10(4)** Buffers shall be installed where elevator pits are not provided with buffers and where the pit depth will permit. Buffers shall comply with ANSI A17.1, 1971, Section 201.

**73.10(5)** Where the depth of any pit is in excess of 4 feet it shall have a ladder permanently installed. The ladder shall extend not less than 30 inches above the sill of the access door, or hand grips shall be provided to the same height. Ladder shall be of noncombustible material.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.11(89A) Counterweights.**

**73.11(1)** Broken or cracked sections of counterweights shall be replaced.

**73.11(2)** Counterweight hanger rods, tie rods or both shall firmly support and secure the counterweight sections in place.

**73.11(3)** Wire ropes extending through counterweights from one stack to another shall be guarded by metal sleeves attached to the wire ropes. Stacks shall not be spaced less than 8 inches apart.

**875—73.12(89A) Car platforms and car slings.**

**73.12(1)** All platforms shall be soundly constructed without cracks or breaks in stringers or frames. All floors shall be free of holes.

**73.12(2)** All car slings shall be soundly constructed and free of cracks or breaks.

**73.12(3)** Where cable sheaves are used on the crosshead, they shall be firmly attached and free of cracks or breaks.

**73.12(4)** All elevators shall have data plates attached to the crosshead.

**73.12(5)** All elevators with automatic leveling, inching or teasing devices shall have a platform guard or an apron. All other elevators shall have warning chains hung within 2 inches of the edge of the platform on the entrance sides. Chains shall be of number 10 U.S. gauge wire or of equal size. Chains shall extend not less than 5 feet below the platform and shall not be spaced more than 4 inches apart.

**73.12(6)** All car slings shall have guide shoes at the top and bottom of the sling. Shoes that are worn to a degree which affect the safe operation of the car shall be repaired or replaced.

**875—73.13(89A) Means of suspension.**

**73.13(1)** Suspension ropes on drum-type machines shall have not less than one turn of the rope on the drum when the car is resting on the fully compressed buffers.

**73.13(2)** Winding drum machines shall not be used unless they are provided with not less than two hoisting ropes. Each counterweight stack shall be provided with not less than two ropes.

**73.13(3)** Tiller cables on cable-operated elevators shall be kept free of breaks.

**73.13(4)** On tiller-cable operations, the cable shall pass through a guiding or stopping device mounted on the car. The cable shall be provided with adjustable stop balls and be provided with means to lock and hold the car at a floor. Stop balls at top and bottom shall be adjusted to automatically stop the car. The tiller cable shall be completely enclosed in the hoistway.

**73.13(5)** All hoisting or counterweight ropes located outside of the hoistway that are exposed shall be covered with a box-type guard. The guard shall be not less than 6 feet high from floor level.

**73.13(6)** Roller chains shall not be used as the suspension means for any conveyance except where specifically allowed by an applicable provision of ASME A17.1.

**73.13(7)** Hoisting ropes for power elevators shall not be less than 3/8 inch in diameter.

**73.13(8)** Hoisting rope fastening means shall be of the socket and babbiting type. Clamps shall not be used.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.14(89A) Car safeties and speed governors.**

**73.14(1)** Each elevator suspended by ropes shall be provided with mechanically applied car safeties which shall be capable of stopping and sustaining its rated load.

**73.14(2)** Broken rope or slack rope safeties may be allowed if the car speed is not in excess of 50 FPM.

**73.14(3)** Elevators which are provided solely with broken rope or slack rope safeties shall not be used for passenger service. EXCEPTION: Handicapped restricted use elevators.

**73.14(4)** All safeties shall be adjusted so that clearances from the rail shall be in accordance with ANSI A17.1, 1971, Rule 1001.2.

**73.14(5)** All slack cable safeties shall be provided with an electrical switch which disconnects power to the elevator machine and brake when setting of the safeties occurs.

**73.14(6)** All safeties operated by a speed governor shall be provided with a speed switch operated by the governor when used with type B or C car safeties on elevators having a rated speed exceeding 150 FPM. A switch shall be provided on the speed governor when used with a counterweight safety for any car speed.

**73.14(7)** Speed governors shall have their means of speed adjustment sealed.

**73.14(8)** For hoistways not extending to the lowest floor and where space below the hoistway is used for a passageway or is occupied by persons, or if unoccupied but not secured against unauthorized access, the counterweights of the elevator shall be provided with safeties. Safeties shall be tripped by a speed governor if the car speed is in excess of 150 FPM. Speed governors shall be set to trip above the car governor tripping speed but not more than 10 percent greater.

**73.14(9)** Access to a governor that is located inside a hoistway shall be provided in accordance with ASME A17.1-2007, Rule 2.7.6.3.4.

[ARC 7840B, IAB 6/17/09, effective 7/22/09; ARC 8760B, IAB 5/19/10, effective 6/23/10]

**875—73.15(89A) Guide rails.**

**73.15(1)** All guide rails and brackets whether of wood or steel shall be firmly and securely anchored or bolted in place. Where T rail is used, all fish-plate bolts shall be tight. This shall comply with ANSI A17.1, 1981, Section 200.

**73.15(2)** Where guide rails which are worn to such a point that proper clearance of safety jaws cannot be maintained, the worn sections shall be replaced to achieve clearances as specified in ANSI A17.1, 1971, Rule 1001.2.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.16(89A) Existing hydraulic elevators.**

**73.16(1)** Cylinders of hydraulic-elevator machines shall be provided with a means for releasing air or other gas.

**73.16(2)** Each pump or group of pumps shall be equipped with a relief valve conforming to the following requirements:

*a. Type and location.* The relief valve shall be located between the pump and the check valve and shall be of such a type and so installed in the bypass connection that the valve cannot be shut off from the hydraulic system.

*b. Setting.* The relief valve shall be preset to open at a pressure not greater than that necessary to maintain 125 percent of working pressure.

*c. Size.* The size of the relief valve and bypass shall be sufficient to pass the maximum rated capacity of the pump without raising the pressure more than 20 percent above that at which the valve opens. Two or more relief valves may be used to obtain the required capacity.

*d. Sealing.* Relief valves having exposed pressure adjustments, if used, shall have their means of adjustment sealed after being set to the correct pressure.

EXCEPTION: No relief valve is required for centrifugal pumps driven by induction motors, provided the shut-off, or maximum pressure which the pump can develop, is not greater than 135 percent of the working pressure at the pump.

**73.16(3)** Storage and discharge tanks shall be covered and suitably vented to the atmosphere.

**73.16(4)** Hydraulic elevators shall be governed by the rules contained in Chapter 73 that apply to electric elevators except the following rules which are exempt: 73.5, 73.6(3), 73.7(2), 73.7(4), 73.7(7), 73.9(9), 73.10(3), 73.11, 73.13, and 73.14.

**73.16(5)** Rescinded IAB 3/7/01, effective 4/11/01.

**875—73.17(89A) Existing sidewalk elevators.**

**73.17(1)** Hoistways shall be permanently enclosed. The enclosures shall conform to ANSI A17.1, 1971, Rule 401.1.

**73.17(2)** All interior landings shall have a door or gate which shall be provided with an interlock.

**73.17(3)** Doors opening in sidewalks or other areas exterior to the building shall be of the hinged type. Doors or covers shall be designed to hold a static load of 300 pounds per square foot. Doors shall always be closed unless elevator is at the landing.

**73.17(4)** Stops shall be provided to prevent the cover in the opening of the sidewalk from opening more than 90 degrees from its closed position.

**73.17(5)** Covers in sidewalk shall be designed to close when the car descends from the top landing.

**73.17(6)** Recesses or guides which will securely hold the cover in place on the car stanchions shall be provided on the underside of the cover.

**73.17(7)** All electrical wiring shall be enclosed in metal conduit, flexible conduit or metal raceways. If hoistway opens in the sidewalk, the wiring shall be weatherproof.

**73.17(8)** Operating devices and control equipment shall comply with ANSI A17.1, 1971, Rule 402.4.

**73.17(9)** All electric sidewalk elevators shall have upper and lower final limit switches. Open-type switches shall not be allowed.



**73.17(10)** Cars shall have enclosures which shall be not less than 6 feet in height provided the stanchions and bow iron are of sufficient height. The enclosure shall be provided with electric contacts to prevent the car from running with doors or gates open.

**73.17(11)** Cars shall have safeties. Where the speed of the elevator does not exceed 50 FPM, car safeties which operate as a result of breaking or slackening of the hoisting ropes may be used. Such safeties may be of the inertia type or approved type without governors. Governors shall not be required when car speed does not exceed 50 FPM.

**73.17(12)** Car enclosures and car gates shall not be required for hand-powered sidewalk elevators.

**73.17(13)** Rescinded IAB 3/7/01, effective 4/11/01.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.18(89A) Existing hand elevators.**

**73.18(1)** Hand-powered elevators shall have hoistway doors. Doors shall be of the self-closing and self-locking type.

**73.18(2)** A sign reading “Danger—Elevator Hoistway—Keep Closed” shall be mounted on each hoistway door. The letters on the signs shall be legible, shall be at least 2 inches high, and shall contrast with the background color.

**73.18(3)** All hand-powered elevators shall be provided with safeties or slack cable devices. Safeties do not have to be operated by a speed governor unless the speed is in excess of 50 FPM.

**73.18(4)** Hand-powered elevators shall have a car enclosure which shall be constructed of metal or sound seasoned wood. The enclosure shall cover all sides which are not used for entrance or exit. The enclosure shall be secured to the car platform or frame in such a manner that it cannot work loose or become displaced in ordinary service.

**73.18(5)** Each hand-powered elevator shall be provided with a brake which shall be capable of stopping and sustaining the car whether loaded or unloaded.

**73.18(6)** Hand-powered elevators shall not be converted or changed to electric powered unless the complete conveyance is brought into conformity with 875—Chapter 72.

**73.18(7)** Rescinded IAB 3/7/01, effective 4/11/01.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.19(89A) Power-operated special purpose elevators.**

**73.19(1)** Elevators complying with the following requirements may be installed in any structure where the elevator is not accessible to the general public, is used exclusively for designated operating and maintenance employees only, and where transportation of one or two persons is required to attend machinery or equipment frequently.

**73.19(2)** The inside platform area of the car shall not exceed 9 square feet. The rated speed shall not exceed 100 FPM. The rated load shall not exceed 650 pounds.

**73.19(3)** Hoistways shall be enclosed to their full width, to a height of not less than 7 feet with solid or perforated noncombustible material braced to deflect not more than 1 inch when subjected to a force of 100 pounds applied horizontally at any point. Open work enclosures shall be at least number 13 steel wire gauge or expanded metal at least number 13 U.S. gauge and shall reject a ball 2 inches in diameter. Where counterweights pass, landing and stairway side shall be of solid construction.

**73.19(4)** Wiring shall comply with the requirements of the National Electrical Code, ANSI C1-1975 (NFPA 70-1975).

**73.19(5)** Counterweights shall comply with rule 875—73.11(89A).

**73.19(6)** Hoistway doors shall comply with subrules 73.2(1), 73.2(7) and 73.2(11).

**73.19(7)** Cars shall be solidly constructed in accordance with subrules 73.12(1) and 73.12(2).

**73.19(8)** Car enclosure.

*a.* Except at the entrance, the car shall be enclosed on all sides and the top. The enclosure at the sides shall be solid or openwork. All openwork shall reject a ball 1 inch in diameter. The enclosure shall be constructed of sufficient strength that it will not deflect more than 1 inch at any one point.

*b.* There shall be an electric light to illuminate the car or hoistway with the switch placed on or near the operating panel.

c. There shall be no glass used in the elevator car except for the car light.

**73.19(9)** A car door shall be provided at each car entrance. Door or gate shall guard the complete entrance. The door or gate shall be at least 7 feet high, of metal construction with solid or open construction to reject a ball 1 inch in diameter. A contact switch shall be provided to prevent the operation of the elevator with doors or gates open. The door or gate shall be provided with interlocks.

**73.19(10)** Guide rails shall comply with rule 875—73.15(89A).

**73.19(11)** The means and methods of suspension shall comply with subrules 73.13(1), 73.13(5), 73.13(6), 73.13(7), and 73.13(8).

**73.19(12)** Electrical switches shall comply with subrules 73.7(2) and 73.7(9).

**73.19(13)** Brakes shall comply with rule 875—73.5(89A).

**73.19(14)** Emergency signal or communication shall comply with subrule 73.3(11).

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.20(89A) Inclined and vertical wheelchair lifts.** All vertical and inclined wheelchair lifts shall conform to ANSI A17.1 (1981), part XX, sections 2000 and 2001.

**875—73.21(89A) Handicapped restricted use elevators.** All handicapped restricted use elevators must meet ANSI A17.1 (1981), Part V. Permits will be reissued only for locations where other elevators do not exist and where the absence of the elevator would deprive a known group of physically disabled individuals use of the building. Additionally, the elevators shall comply with the following limitations:

1. The elevator shall be used only by a maximum of one disabled person and one attendant at a time. Where a disabled individual cannot operate the elevator in a manner which will ensure access to all operating controls and safety features, an attendant shall accompany the disabled individual.

2. The elevator shall be key-operated and shall not be capable of being called by buttons or switches but may be called by a key operator.

3. Keys to operate the elevator shall be in the control of the disabled person, the attendant or persons in positions of responsibility at the location.

4. A list shall be maintained at the location indicating the persons holding keys for the operation of the elevator.

5. Each landing and the elevator car shall be posted to indicate that the elevator is only for the use of disabled persons.

6. The travel distance of the elevator shall not exceed 50 feet.

[ARC 7840B, IAB 6/17/09, effective 7/22/09]

**875—73.22(89A) Escalators.**

**73.22(1)** Each escalator shall be provided with an electrically released mechanically applied brake capable of stopping the up and down traveling escalator with any load up to and including the rated load. The brake shall be located either on the driving machine or on the main drive shaft.

**73.22(2)** Starting switches shall be of the key-operated type. Starting switches shall be located on or near the escalator.

**73.22(3)** Emergency stop buttons or other type manually operated switches having red buttons or handles shall be accessibly located at or near the bottom and top landings. The buttons or levers shall be protected to prevent accidental operation.

**73.22(4)** A broken step-chain device shall be provided on each escalator that will cause interruption of power to the driving machine if a step chain breaks or if excessive sag occurs in either step chain.

**73.22(5)** Each escalator shall have comb plates at top and bottom landings of the escalator. Comb-plate teeth shall be meshed with and set into slots in the tread surface of the steps so that the points of the teeth are always below the upper surface of the treads.

**73.22(6)** Each escalator balustrade or moulding on the balustrade shall have a smooth surface. Screwheads shall set flush with the surface or be of the oval head type without any burrs or rough places on their surface.

**73.22(7)** The clearance on either side of the steps between the step tread and the adjacent skirt panel shall be not more than 3/16 inch.

**73.22(8)** Step treads shall be illuminated throughout their run. The light intensity shall be not less than 2 foot-candles.

**73.22(9)** An enclosed fused disconnect switch or circuit breaker arranged to disconnect the power supply to the escalator shall be in each machine room or wherever the controller is located.

**73.22(10)** A stop switch shall be provided in each machinery space where means of access to the space is provided. The switch when opened shall cause electric power to be removed from the escalator driving-machine motor and brake. The switch shall be of the manually opened and closed type and shall be marked "STOP".

**73.22(11)** Hand or finger guards shall be provided at the point where the handrail enters the balustrade.

**73.22(12)** Where the clearance of the upper outside edge of the balustrade and a ceiling or scaffold is less than 12 inches or where the intersection of the outside balustrade and a ceiling or soffit is less than 24 inches from the centerline of the handrail, a solid guard shall be provided in the intersection of the angle of the outside balustrade and the ceiling or soffit. The vertical front edge of the guard shall project a minimum of 14 inches horizontally from the apex of the angle. The escalator side of the vertical face of the guard shall be flush with the face of the wellway. The exposed edge of the guard shall be rounded.

This rule is intended to implement Iowa Code chapter 89A.

**875—73.23(89A) Moving walks.** Rescinded IAB 6/17/09, effective 7/22/09.

**875—73.24(89A) Dumbwaiters.** All dumbwaiters whether electric or hand powered shall conform to ANSI A17.1, 1971, section 700. Exceptions: Required rules for hoistway construction as set forth in ANSI A17.1, 1971, shall not apply to existing installations.

**875—73.25(89A) Sprinkler retrofits and shunt trip breakers.** Rescinded IAB 6/17/09, effective 7/22/09.

**875—73.26(89A) Safety bulkheads.** Rescinded IAB 6/17/09, effective 7/22/09.

These rules are intended to implement Iowa Code chapter 89A.

[Filed emergency 12/15/75, Notice 10/16/75—published 12/29/75, effective 12/15/75]

[Filed 7/28/82, Notice 5/26/82—published 8/18/82, effective 9/30/82]

[Filed emergency 9/5/86—published 9/24/86, effective 9/24/86]

[Filed emergency 12/4/92 after Notice 9/30/92—published 12/23/92, effective 12/23/92]

[Filed 2/15/01, Notice 10/18/00—published 3/7/01, effective 4/11/01]

[Filed 11/7/03, Notice 10/1/03—published 11/26/03, effective 1/1/04]

[Filed 2/10/06, Notice 1/4/06—published 3/1/06, effective 4/5/06]

[Filed 6/16/06, Notice 5/10/06—published 7/5/06, effective 8/9/06]

[Filed 7/3/07, Notice 4/25/07—published 8/1/07, effective 9/5/07]

[Filed 10/17/07, Notice 8/1/07—published 11/7/07, effective 12/12/07]

[Filed 12/11/07, Notice 10/24/07—published 1/2/08, effective 2/6/08]

[Filed 5/29/08, Notice 4/23/08—published 6/18/08, effective 7/23/08]

[Filed ARC 7840B (Notice ARC 7696B, IAB 4/8/09), IAB 6/17/09, effective 7/22/09]

[Filed ARC 8760B (Notice ARC 8623B, IAB 3/24/10), IAB 5/19/10, effective 6/23/10]

[Filed ARC 1766C (Notice ARC 1560C, IAB 7/23/14), IAB 12/10/14, effective 1/14/15]

[Filed ARC 1891C (Notice ARC 1771C, IAB 12/10/14), IAB 3/4/15, effective 4/8/15]